

GAHC010099572025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./578/2025

THE AUTHORIZED OFFICER, HDFC BANK
HAVING ITS OFFICE AT 1ST FLOOR, SWAGOTA ENIVISION, SIX MILE, GS
RD, KHANAPARA, GUWAHATI, ASSAM- 781022

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE PP, ASSAM

2:SRI APURBA DEV SARMA
SON OF LATE KESHAB CHANDRA SARMA
RESIDENT OF FLAT NO. B2
SECOND FLOOR
ORCHID RESIDENCY
HOUSE NO. 53
MILANPUR
GUWAHATI
DISTRICTKAMRUP (M)
PIN-781021
ASSA

Advocate for the Petitioner : MR. K P PATHAK, MR. C PAUL,MR BHARGAV DAS

Advocate for the Respondent : PP, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

20.05.2025

Heard Mr. K P Pathak, learned counsel for the petitioner bank and Mr. K K Das, learned Additional Public Prosecutor, Assam for the State.

2. Mr. K P Pathak, learned counsel for the petitioner bank placed before the Court that earlier the respondent No. 2 approached this Court in WP(C) No. 920/2025 against the respondent bank and others, wherein the Hon'ble Division Bench of this Court by judgment and order dated 03.04.2025 dismissed the said writ petition, directing the petitioner to approach the Debts Recovery Tribunal under Section 17 of the SARFAESI Act for redressal of his grievances.

3. Against the same, the respondent No. 2 preferred a Special Leave to Appeal before the Hon'ble Supreme Court being Special Leave to Appeal (C) No(s). 10283/2025 and the Hon'ble Apex Court by order dated 17.04.2025 did not interfere with the judgment and order of the Hon'ble Division Bench of this Court dated 03.04.2025 passed in said WP(C) No. 920/2025 and directed the said respondent No. 2 to approach the DRT as in the meanwhile third party right was already created in favour of the petitioner bank with regard to the property involved in the case.

4. In the meanwhile, the respondent No. 2 on 19.02.2025 filed an FIR before the Chandmari Police Station against the authorities of the petitioner bank which was registered as Chandmari Police Station Case No. 44/2025 under Sections 61(1)/318(4)/338/336(3)/316(4) of the BNS, 2023 against the officials of the HDFC Bank, corresponding to G.R. No. 983/2025.

5. Hence, this criminal petition under Section 528, BNSS, 2023, praying for quashing of the said FIR pertaining to Chandmari Police Station Case No. 44/2025.

6. Mr. K P Pathak, learned counsel for the petitioner bank also placed before the Court a

copy of the order dated 05.05.2025 passed by the learned Presiding Officer, DRT, Guwahati stating that the petitioner bank has already approached the DRT by filing SA No. 53/2025, I.A. Nos. 301/2025 & 304/2025 for redressal of his grievances against the learned District Magistrate, Kamrup (Metro) and others.

7. Mr. Pathak, learned counsel for the petitioner bank has also submitted that the personnel of the petitioner bank are protected under Section 32 of the SARFAESI Act against the acts done by any such personnel on their official duty.

8. Issue **Notice**, returnable by **23.06.2025**.

9. As Mr. K K Das, learned Additional Public Prosecutor, Assam has accepted notice on behalf of the State respondent No. 1, no formal notice need be issued to the said respondent.

10. Petitioner shall serve requisite extra copy of this criminal petition including the Annexures appended thereto, to Mr. K K Das, learned Additional Public Prosecutor, Assam by 21.05.2025, obtaining necessary acknowledgment from him in that regard.

11. Petitioner shall take steps for service of notice on the respondent No. 2 by Registered Post with A/D by 21.05.2025, providing his correct and proper address with requisite postal stamp.

12. Subject to taking steps on the respondents, as directed above, further proceeding of Chandmari Police Station Case No. 44/2025, corresponding to G.R. No. 983/2025 shall remain suspended until further order of the Court.

13. List accordingly.

JUDGE

Comparing Assistant