

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION - TO LODGE
FIR/COMPLAINT) NO. 3836 of 2025**

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IDBI BANK LTD THROUGH DEPUTY GENERAL MANAGER CHIRAG
SUKHDEV ACHARYA
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR INDRAVADAN PARMAR(2738) for the Applicant(s) No. 1
NOTICE SERVED for the Respondent(s) No. 3,4,5,6,7
NOTICE SERVED BY DS for the Respondent(s) No. 2
MS ASMITA PATEL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 10/06/2025

ORAL ORDER

RULE. Learned APP waives service of notice of Rule for and on behalf of the respondent – State of Gujarat.

[1.0] By way of present petition, the petitioner Bank prays for direction directing the respondent nos.2 and 3 to register the FIR against respondent Nos.4 to 7 lodge the FIR pursuant to the written complaint dated 14.06.2024 addressed to respondent No.2.

[2.0] Learned advocate for the petitioner has submitted that the petitioner has approached respondent No.2 Gorva Police Station by way of written complaint dated 14.06.2024 but nothing has been done.

[3.0] Perusing the nature of allegations and as the petitioner is intended to file a complaint, prima facie, it appears that as to whether offence is made out or not itself is a question of fact.

[4.0] At this stage, it would be apposite to consider the observations made by the Apex Court in the case of **M. Subramaniam vs. S. Janki** reported in **(2020)16 SCC 728** as well as the decision in the case of **Imran Pratap Gadhi vs. State of Gujarat** reported in **2025 SCC OnLine (SC) 678**.

[5.0] With the above observation, present application stands disposed of. However, the petitioner is at liberty to avail statutory remedy before appropriate forum under the provisions of the CrPC / BNSS and as per the law laid down in the case of **M. Subramaniam (Supra)**. After taking into consideration the complaint and other materials if any, if the Police Inspector is of the view that the same discloses commission of a cognizable offence, then appropriate directions be issued for registration of the FIR forthwith at the concerned Police Station. However, the Police Inspector, if after going through the materials, is of the view that no case is made out for registration of the FIR, then in such circumstances, he shall inform the petitioner in writing about the same by assigning reasons in brief, preferably within a period of **four weeks** from today.

It is hereby made clear that this Court has not examined the merits of the case. Direct service is permitted.

(HASMUKH D. SUTHAR,J)

SUCHIT