



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
ON THE 27th OF NOVEMBER, 2024
WRIT PETITION No. 33471 of 2024
JAY BHAWANI
Versus
*THE STATE OF M.P. AND OTHERS***

Appearance:

Shri Durgesh Sharma - Advocate for the petitioner.

Shri Rajwardhan Gawde- G.A. for the State.

ORDER

1] This petition has been filed by the petitioner under Article 226 of the Constitution of India, seeking the following reliefs:-

"(a) To issue appropriate writ / direction or order to the respondent to investigate on to the grievance of the petitioner and take appropriate action against the accused persons mentioned in the complaint **Annexure-P/1.**

(b) To issue appropriate writ order / direction to the respondent to put the law in motion by taking appropriate steps on the complaints of the petitioner (**Annexure-P/1.**)

(c) Any other relief which this Hon'ble Court may deems fit in the facts and circumstances of the case in favour of the petitioner and against the respondent may kindly be granted."

2] The grievance of the petitioner is that he has been duped by certain persons, including the Chief Manager of Canara Bank, Navlakha Branch, Indore, General Manager, Valuer and other persons, who have also caused huge loss in terms of stamp duty to the State and, according to the petitioner, such persons have committed offences under Sections 420, 467,



468, 409, 120-B and 34 of the IPC, however, despite representations made to the concerned S.S.P., CBI, no action has been taken and the FIR has not been registered.

3] In support of his submissions, counsel for the petitioner has also relied upon the decision rendered by the Supreme Court in the case of *Lalita Kumari Vs. State of Uttar Pradesh and Others*, reported as (2014) 2 SCC 1, as also the decision rendered by the Co-ordinate Bench of this Court in the case of *Imran Qureshi Vs. State of M.P. and Others*, passed in *W.P. No.14380/2022* dated 22.07.2022.

4] On perusal of the petition, it is found that despite making specific allegations against various persons, the petitioner has not made them as party respondents, whose rights would be affected if the relief sought in the petition is allowed. Even otherwise, this Court finds that against the petitioner, there were dues to the tune of Rs.12 Crores in his loan account in Canara Bank, Branch Navlakha, against whose officers, the petitioner has made allegations of fraud.

5] In such facts and circumstances of the case, this Court does not find it to be a fit case to exercise its extra-ordinary jurisdiction to direct the respondents to take action against the accused persons, or to take appropriate steps on the complaint of the petitioner.

6] This Court is also of the considered opinion that the extra-ordinary powers vested in this Court under Article 226 of the Constitution of India cannot be used in a casual manner, in every such case where some representation/complaint is filed in the police station, and it is only when a *prima facie* case for interference is made out, that a writ can be issued. This



is because if such orders are passed only on the asking of a person/petitioner, the possibility of misuse of the same cannot be ruled out, which is a common experience, to the utter prejudice of a person who might be innocent but is proceeded against owing to the order passed by this Court; which is also not the import of the decision rendered by the Supreme Court in the case of *Lalita Kumari (supra)*.

7] In such circumstances, the admission is declined, and the petition being misconceived is hereby *dismissed*. However, with liberty reserved to the petitioner to take recourse of such remedies which are available to him under law.

8] It is made clear that this Court has not reflected upon the merits of the case.

9] Petition stands *disposed of*.

(SUBODH ABHYANKAR)
JUDGE

Bahar