



1

WP-42644-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 10<sup>th</sup> OF NOVEMBER, 2025WRIT PETITION No. 42644 of 2025

*M/S AARATRIKA TRADERS THROUGH ITS PROPRIETOR  
DEVNARAYAN PRAJAPATI*

*Versus*

*UNION OF INDIA THROUGH THE SECRETARY AND OTHERS*

.....  
Appearance:

Shri Yamak Sharma - Advocate for the petitioner.

Shri Sunil Kumar Jain, Senior Advocate for the respondents.

Shri Kushagra Jain - Dy. Govt. Advocate for the respondents/State.

Shri Romesh Dave - Deputy Solicitor General for respondent No.1.  
.....

ORDER

By this petition preferred under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:-

*"(a) Issue a writ of mandamus or any other appropriate writ, order, or direction to the Respondents to invoke and process the Credit Guarantee under the CGTMSE/MSME Scheme, being the only competent authority to apply under it, and to desist from any coercive or unlawful recovery actions against the Petitioner.*

*(b) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the Respondent Police Authorities to take appropriate steps and register an FIR on the basis of the Petitioner's complaint dated 07.08.2025 and to take immediate action against the unlawful and coercive recovery practices adopted by Respondent bank and its third party agents;*

*(c) Pass such other and further orders as this Hon'ble Court may deem fit in the interest of justice."*

02. Learned counsel for the petitioner submits that the petitioner in respect of the grievance as raised by him in this petition has already



approached respondents No.6 and 7/Bank on numerous occasions but no action thereupon has been taken as yet. It is further submitted that the bank is resorting to illegal methods for recovery of the amount regarding which a complaint has already been preferred by the petitioner before respondent No.9 but no action thereupon has been taken. A prayer has been made for issuance of appropriate directions in that regard.

03. Learned counsel for respondents/State submits that the relief claimed for by the petitioner is against the bank and there is no relief sought against respondents No.1 to 5 hence no orders are required to be passed.

04. In the available facts of the case, it is directed that respondents No.6 and 7 shall advert to the applications dated 27.08.2025 (Annexure P/10) and 05.08.2025 (Annexure P/11) of the petitioner and shall take appropriate action thereupon in accordance with law as may be deemed fit by affording due opportunity of hearing to the petitioner within a period of 30 days from the date of receipt of certified copy of this order.

05. As per Bhartiya Nagrik Suraksha Sanhita, 2023 and the judgment passed by the Apex Court in the case of *Lalita Kumari Vs. Govt. of U.P. and others, (2014) 2 SCC 1*, if a cognizable offence is made out then FIR is to be registered and the Police is sitting tight over the matter and no decision is taken to register the case or not. The Police authorities are free to take decision to lodge or not to lodge the FIR in accordance with Section 173 of the Bhartiya Nagrik Suraksha Sanhita, 2023. No decision has been taken by respondents in view of which the petitioner is unable to proceed further.

06. In view of the same, respondents/authorities are directed to



conduct preliminary enquiry which would mean to go through the complaint and find out whether any cognizable offence is made out or not. If cognizable offence is made out, then the FIR shall be registered. If no cognizable offence is made out, then the petitioner should be informed of the same. Let either of the same be done within a period of 60 days from the date of receipt of certified copy of this order.

07. With the aforesaid directions, the petition stands disposed off.

**(PRANAY VERMA)**  
**JUDGE**

Shilpa