IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.2819 OF 2026 (GM – RES)

BETWEEN:

MRS. SRIVIDYA BHASKAR
W/O MR. SUMAN REDDY,
AGED ABOUT 32 YEARS,
RESIDING AT 204, SANDEEP HORIZON,
2ND FLOOR, WIND TUNNEL ROAD,
KAVERI NAGAR,
BENGALURU – 560 017.

... PETITIONER

(BY SRI SURAJ SAMPATH, ADVOCATE)

AND:

1 . ICICI BANK LTD.,
A COMPANY INCORPORATED UNDER
THE COMPANIES ACT, 1956,
HAVING ITS BRANCH OFFICE AT:
11TH FLOOR, C WING, MITTAL TOWER,
M.G. ROAD, BENGALURU – 560 001.
REPRESENTED BY ITS MANAGER,
POA HOLDER AND AUTHORIZED SIGNATORY
MR. HARISH E.,
S/O. MR. ESHWAR,
AGED ABOUT 37 YEARS.

2 . M/S. TRANSUNION CIBIL LIMITED,
A COMPANY INCORPORATED UNDER

THE COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE AT
ONE WORLD CENTER, 19TH FLOOR,
TOWER 2A AND 2B, 841
JUPITER TEXTILE MILL COMPOUND,
SENAPATI BAPAT MARG, LOWER PAREL,
MUMBAI – 400 013.
REPRESENTED BY ITS
MANAGING DIRECTOR.

3. STATE OF KARNATAKA
REPRESENTED BY EAST CENCRIME PS
REPRESENTED BY THE SPP
HIGH COURT BUILDING
AMBEDKER VEEDI
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI D.R.RAVISHANKAR, SR.ADVOCATE A/W
SRI FRANCIS XAVIER, ADVOCATE FOR R-1;
SRI PINAZ MEHTA, ADVOCATE FOR R-2;
SRI B.N.JAGADEESHA, SPP-I FOR R-3;
SMT.RESHMA K.T., CGC FOR IMPLEADING APPLICANTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF BNSS, 2023 PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION QUASHING THE PROCEEDINGS IN C.C. NO. 11728/2025 PURSUANT TO THE ORDER DATED 19.05.2025 PASSED BY THE HON'BLE XIV ASCJ AND ACJM, BANGALORE (SCCH 10) VIDE ANNEXURE C ON THE BASIS OF THE COMPLAINT FILED BY THE 1ST RESPONDENT UNDER SECTION 223

OF THE BNSS, 2023 R/W SECTION 25 OF THE PAYMENT AND SETTLEMENT SYSTEMS ACT, 2007 VIDE ANNEXURE A; B) ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT, ORDER OR DIRECTION RESTRAINING THE 1ST RESPONDENT FROM INITIATING OR TAKING ANY COERCIVE MEASURES AGAINST THE PETITIONER AND/OR HER PROPERTIES FOR THE PURPOSE OF RECOVERING ANY AMOUNT TOWARDS THE ALLEGED LOAN AGREEMENT NO. LPBNG00050327079; C) ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT, ORDER OR DIRECTION DIRECTING THE RESPONDENTS TO RESTORE THE CIBIL SCORE OF THE PETITIONER TO WHAT IT STOOD AS ON 05.11.2024 OR WHENEVER AN ADVERSE ENTRY WAS MADE BY THE RESPONDENTS; D) ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT, ORDER OR DIRECTION DIRECTING THE RESPONDENTS NOT TO MAKE ANY ADVERSE ENTRIES TO THE CIBIL SCORE OF THE PETITIONER IN RESPECT OF THE ALLEGED LOAN AGREEMENT NO. LPBNG00050327079; E) DIRECT THE 1ST RESPONDENT TO PAY THE COSTS OF THIS PETITION.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner is before the Court seeking the following prayer:

(a) "Issue a Writ of Certiorari or any other appropriate writ, order or direction quashing the proceedings in C.C.No.11728 of 2025 pursuant to the order dated 19.05.2025 passed by the Hon'ble XIV ASCJ & ACJM, Bangalore (SCCH-10) vide **Annexure-C** on the basis of the complaint filed by the 1st respondent under Section 223 of the BNSS, 2023 r/w Section 25 of the Payment and Settlement Act, 2007 vide **Annexure-A**.

(b) Issue a writ of mandamus or any other Writ, Order or Direction restraining the 1st respondent from initiating or taking any coercive measures against the petitioner and/or her properties for the purpose of recovering any amount towards the alleged loan agreement No. LPBNG00050327079.

(c) Issue a Writ of Mandamus or any other Writ, Order or Direction directing the Respondents to restore the CIBIL score of the petitioner to what it stood as on 05-11-2024 or whenever an adverse entry was made by the Respondents.

(d) Issue a Writ of Mandamus or any other Writ, Order or Direction directing the Respondent not to make any adverse entries to the CIBIL score of the Petitioner in respect of the alleged loan agreement No. LPBNG00050327079

(e) Direct the 1st respondent to pay the costs of this Petition.

(f) Issue such other Writs, Orders or Directions, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case."

2. Facts, in brief, germane are as follows: -

2.1. The petitioner claims to be a person of repute, having done M.B.A. in Marketing and Strategy from the Indian School of Business, Hyderabad, and is employed in the private sector since the year 2014. The 2nd respondent, M/s TransUnion CIBIL Limited, is said to be a non-Government credit information company operating in India, which maintains credit files of millions of individuals and businesses and is a part of TransUnion, an American multinational group. The 2nd respondent maintains the CIBIL score of a person, which is a 3-digit number that indicates the creditworthiness of that person and demonstrates his ability to repay a loan. The CIBIL report, on the other hand, is a record of the financial history of a person, compiled from information received from banks and financial institutions, and it includes credit enquiries and open and closed credit accounts.

2.2. The petitioner claims to be a victim of digital arrest, by virtue of an online fraud that was played upon her by unknown persons on two dates, one on 17-09-2024 and the other on 18-09-2024. The petitioner, claiming to be a victim of such digital arrest, registers a complaint before the East CEN Crime Police Station on 21-09-2024, which becomes a crime in Crime No.759 of 2024 against unknown persons for offences punishable under Sections 66C and 66D of the Information Technology Act, 2000 and Section 318(4) of the BNS. The petitioner is said to have lodged a similar complaint on the National Cyber Crime Reporting Portal on 19-09-2024. Likewise, the petitioner files a complaint before the RBI Ombudsman as well.

2.3. What has driven the petitioner to this Court at this juncture is a complaint registered by the 1st respondent-Bank on 19-05-2025, alleging that pursuant to a personal loan availed in terms of a loan agreement, the petitioner had issued standing instructions for payment of the loan installments. The standing instructions for ₹52,41,514/-, presented on 18-03-2025, are dishonoured for insufficient balance. Despite the statutory notice

dated 11-04-2025, the petitioner has allegedly failed to make payment. Therefore, the Bank invokes the jurisdiction of the learned Magistrate under Section 223 of the BNSS and registers a complaint for offences punishable under Section 138 of the Negotiable Instruments Act, 1881 and Section 25 of the Payment and Settlement Systems Act, 2007. The learned Magistrate takes cognizance of the offences and issues summons to the petitioner after registering C.C. No.11728 of 2025.

3. Heard Sri Suraj Sampath, learned counsel appearing for the petitioner, Sri D.R. Ravishankar, learned senior counsel appearing for respondent No.1, Sri Pinaz Mehta, learned counsel appearing for respondent No.2, and Sri B.N. Jagadeesha, learned State Public Prosecutor-I appearing for respondent No.3.

4. The learned counsel appearing for the petitioner would vehemently contend that the loan that is said to have been availed by the petitioner from the Bank is not based upon free consent. The petitioner was under digital arrest for two days and the fraudsters controlled her actions, as she had no requirement or intention to avail the loan. The learned counsel would submit that, under

Sections 14, 15, 19 and 20 of the Indian Contract Act, 1872, the consent is obtained through third party coercion, fraud and mistake and, therefore, the entire transaction is vitiated. The Bank fails to exercise adequate due diligence and transaction monitoring, despite the petitioner's 6 years' transaction history showing no comparable transactions. The Bank's own records and website indicate restrictions on newly added beneficiaries and a transfer limit, yet transactions exceeding such limits are permitted in the present case. The Bank also fails to monitor any sudden change in the velocity and behaviour of the transactions. The petitioner promptly reports the fraud to the Bank and the Police, resulting in registration of Crime No.759 of 2024, which is under investigation. The Bank, being fully aware of the allegations of digital arrest, initiates recovery proceedings for the loan and criminal proceedings by presenting the cheque for dishonour. The loan, he would submit, is availed under coercion and at "digital gunpoint". Therefore, the proceedings must be quashed.

5. The learned senior counsel, Sri. D.R. Ravishankar, appearing for the 1st respondent-Bank would submit that the

petitioner has voluntarily completed the digital loan journey by selecting the ₹50 lakh offer, accepting the loan terms and authenticating the transaction through her credentials and debit card grid. The subsequent fund transfers to some other parties were all authenticated through the petitioner's credentials, as every one of the transactions generated a one time password, and certain transactions which were red flagged by the Bank were cleared only upon her request and confirmation. He would further submit that the Bank has complied with all the security protocols and internal controls, including transaction monitoring. The Bank had no knowledge of the alleged coercion or digital arrest, which had occurred through third party communications. The petitioner had the financial profile and banking relationship to qualify for the ₹50 lakh pre-approved facility, and the Bank's sanction was based upon its algorithmic assessment of her income, liabilities and credit score.

5.1. The learned senior counsel would further amplify the submissions by contending that digital fraud cases constitute less than 1% of the Bank's personal loan transactions, while the facility

is widely utilised by customers, particularly the salaried class. The pre-approved personal loan facility is permissible under the RBI framework and is not peculiar to the Bank. Other banks also follow the same procedure. Misuse in isolated cases cannot invalidate a banking facility which is beneficially used by a larger section of customers. He would submit that the petitioner, by bringing in all these allegations, cannot avoid repayment, as the loan is disbursed to her account and the money is thereafter transferred by her to third party beneficiaries. He would further submit that the allegation of coercion, at the highest, could be a matter of defence requiring factual adjudication, and that cannot by itself stop the Bank from recovering its dues in terms of the contract between the parties. He would seek dismissal of the petition.

6. The 2nd respondent submits that TransUnion CIBIL Limited is not amenable to writ jurisdiction.

7. The learned State Public Prosecutor representing the 3rd respondent-State would submit that, upon verification of the records, it remains a matter requiring consideration as to how the Bank could have sanctioned and disbursed a sum of ₹50 lakh to the

petitioner within such a short span of time. He would further submit that the complaint registered by the petitioner against unknown persons is being investigated into.

8. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

9. The afore-narrated facts are a matter of record. They would not require detailed iteration. Since the petitioner is now before this Court calling in question the complaint instituted by the Bank before the learned Magistrate for offences punishable under Section 138 of the Negotiable Instruments Act and Section 25 of the Payment and Settlement Systems Act, 2007, it becomes germane to notice the complaint. The complaint reads as follows:

> "**COMPLAINT UNDER SECTION 223 OF THE BHARATIYA NAGARIK SURAKSHA SANITHA -2023 AND UNDER SECTION 25 OF THE PAYMENT AND SETTLEMENT SYSTEMS ACT 2007**.
>
> The Complainant bank above named respectfully submits as follows:-
>
> 1. The address of the Complainant for the service of summons, court notices is as shown in the cause title and that of their counsel Sriyuths. S.M. ANEES AHAMED, B.M. KUSHALAPPA,

DARSHAN C R, KIRAN K N, Advocates for SAAN Law Associates, No.4 (10/2), G Floor, East Park Road, Kumara Park West, Bangalore - 560 001.

2. The address of the accused for the purpose of court notices, summons, warrant etc., is as shown in the cause title above.

3. That, the Complainant Bank is a Public Limited Company incorporated under the Companies Act, 1956 and is a Scheduled Bank within the meaning of the Banking Regulation Act, 1949, also a Scheduled Bank according to the Reserve Bank of India Act, 1934 having its registered office at Landmark, Race Course Circle, Vadodara and amongst others having its Corporate Office at ICICI Bank Towers, Bandra Kurla Complex, Bandra (East), Mumbai - 400 051 and one of its branch office at ICICI Bank Ltd., 11th Floor, C Wing, Mittal Tower, MG Road, Bangalore - 560 001. The present Complainant bank since is a juristic and legal personality having no independent existence has preferred this present suit through Mr. Harish E who is the Manager and a Power of Attorney Holder of the Complainant Bank represent the Complainant Bank That, Mr. Harish E one of the authorized representatives of the Complainant Bank and is fully conversant with the facts of the case as per information received and derived from the records and the books of the Complainant Bank, maintained in usual and ordinary course of business. Mr. Harish E duly authorized, empowered and competent to sign and verify the pleadings for and on behalf of the Complainant Bank, institute the complaint in the Court, prosecute the complaint and to do all acts, deeds in general for due prosecution of the complaint.

4. The Complainant bank submits that the accused had approached the Complainant Bank seeking for **PERSONAL Loan** and a financial assistance for a sum which was granted to the accused under a sanction letter. In pursuant of the said sanction letter the accused had entered into a loan agreement vide No. **LPBNG00050327079** with the Complainant Bank and agreed to abide by the terms and conditions of agreement wherein the accused were required to pay the installment without any default.

5. The Complainant bank submits that as per the terms of the Loan Agreement the Accused is due and liable to pay the total

loan amount in monthly installments. The Complainant bank acting upon the documentary proof and representations made by the accused extended the financial facilities to the aforesaid Accused and in pursuant of the above loan agreement the accused has initiated electronic fund transfer from the Accused Account No.**0388016024000, ICICI BANK**, in the name of the Complainant bank agreeing to honour the Standing instructions of the complainant Bank has and when the loan installment fell due.

6. The complainant submits that the accused being a constant defaulter had not paid the EMI's in time and as such the complainant bank's authorized officers had approach the accused several times requesting the accused to make the payments, finally the accused had approached the complainant bank towards the outstanding amount of the above said loan account the accused had instructed the complainant bank to initiated electronic fund transfer from Accused Account, the details of the same are given as under:-

NACH/ECS No.	**NACH/ECS Date**	**NACH/ECS Amount**	**Date of presentation**
S1381803250647	19-03-2025	Rs.5241514/-	18-03-2025

7. The Complainant bank submits that on **LPBNGO0050327079** the Complainant presented the accused Auto Debit request for its clearance with its Banker, ICICI Bank Ltd, Bommanahalli Branch, Bangalore, however the same was returned dishonored with an endorsement **Insufficient Balance** vide AD return memo dated **18-Mar-25**

8. That the Complainant bank through their counsels had caused statutory notice dated 11-04-2025 under section 25 of the Payment and Settlement Systems Act 2007, and sent the same on 12/04/2025 through RPAD to the accused last known address well within the stipulated period from the date of receipt of information from their bank regarding **Insufficient Balance** in the Accused Bank and called upon the accused to pay the aforesaid loan installments amount within 15 days from the date of receipt of the notice, the notice was sent by RPAD.

9. That the notice sent to the last known addresses of the accused address vide RPAD has been served on 17/04/2025 (AS PER ONLINE POSTAL TRACKING), even after the same the accused has not paid the amount as demanded by the Complainant bank so far. The accused has issued above said SI without sufficient funds at his bank account to honour the cheque when presented for encashment and thereby committed offence under section 25 of the Payment and Settlement Systems Act 2007, hence the Accused is liable to be punished.

10. The Complainant bank further submits that the complaint is filed in time. The said standing instructions was presented to **the ICICI Bank Ltd, Bommanahalli Branch, Bangalore**. Therefore, this Hon'ble court has jurisdiction to take cognizance of the offence.

PRAYER

WHEREFORE, it is prayed that this Hon'ble court be pleased to (1) secure the presence of the accused before this Hon'ble court and punish him/her in accordance with law, (ii) penalize the accused by directing him/her to pay the amount of the SI that has been issued, more fully mentioned above; (iii) to award compensation to the Complainant bank; and grant such other relief as this Hon'ble court deems fit and the Complainant bank to be entitled to, in the interest of justice and equity."

The sworn statement of the Bank is recorded. The sworn statement reads as follows:

"**SWORN STATEMENT CUM EVIDENCE OF THE COMPLAINANT BY WAY OF AFFIDAVIT**

I, Mr. Harish E, aged about 37 years, son of Mr. Eshwar, working as manager, POA holder and authorized signatory for ICICI Bank Ltd., having its office at ICICI Bank Ltd., 11th Floor, C Wing, Mittal Tower, MG Road, Bangalore - 560 001, do hereby solemnly affirm and state on oath as follows:-

1. I state that, I am the Authorized Signatory, POA holder and manager of the Complainant bank in the above case. Hence, I know the facts and circumstances of the case.

2. I state that the Complainant Bank is a Public Limited Company incorporated under the Companies Act, 1956 and is a Scheduled Bank within the meaning of the Banking Regulation Act, 1949, also a Scheduled Bank according to the Reserve Bank of India Act, 1934 having its registered office at Landmark, Race Course Circle, Vadodara and amongst others having its Corporate Office at ICICI Bank Towers, Bandra Kurla Complex, Bandra (East), Mumbai - 400 051 and one of its branch office at ICICI Bank Ltd., 11th Floor, C Wing, Mittal Tower, MG Road, Bangalore - 560 001. The present Complainant bank since is a juristic and legal personality having no independent existence has preferred this present suit through me as its Power of Attorney Holder to represent the Complainant Bank. That, I am one of the authorized representatives of the Complainant Bank and I am fully conversant with the facts of the case as per information received and derived from the records and the books of the Complainant Bank, maintained in usual and ordinary course of business. I am duly authorized, empowered and competent to sign and verify the pleadings for and on behalf of the Complainant Bank, institute the complaint in the Court, prosecute the complaint and to do all acts, deeds in general for due prosecution of the complaint.

3. I state that the accused had approached the Complainant Bank seeking for **PERSONAL Loan** and a financial assistance for a sum which was granted to the accused under a sanction letter. In pursuant of the said sanction letter the accused had entered into a loan agreement vide No. **LPBNG00050327079** with the complainant Bank and agreed to abide by the terms and conditions of agreement wherein the accused were required to pay the installment without any default.

4. I state that as per the terms of the Loan Agreement the Accused is due and liable to pay the total loan amount in monthly installments. The Complainant bank acting upon the documentary proof and representations made by the accused extended the financial facilities to the aforesaid Accused and in pursuant of the above loan agreement the accused has initiated

electronic fund transfer from the Accused Account No.**038801602400, ICICI BANK**, in the name of the Complainant bank agreeing to honour the Standing instructions of the complainant Bank has and when the loan installment fell due.

5. I state that the accused being a constant defaulter had not paid the EMI's in time and as such the complainant bank's authorized officers had approach the accused several times requesting the accused to make the payments, finally the accused had approached the complainant bank towards the outstanding amount of the above said loan account the accused had instructed the complainant bank to initiated electronic fund transfer from Accused Account, the details of the same are given as under:-

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7. I state that the Complainant bank through their counsels had caused statutory notice dated 11-04-2025, under section 25 of the Payment and Settlement Systems Act 2007, and sent the same on 12/04/2025 through RPAD to the accused last known address well within the stipulated period from the date of receipt of information from their bank regarding **Insufficient Balance** in the Accused Bank and called upon the accused to pay the aforesaid loan installments amount within 15 days from the date of receipt of the notice, the notice was sent by RPAD.

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> Complainant bank so far. The accused has issued above said SI without sufficient funds at his bank account to honour the cheque when presented for encashment and thereby committed offence under section 25 of the Payment and Settlement Systems Act 2007, hence the Accused is liable to be punished.
>
> 9. I state that the complaint is filed in time. The said standing instructions was presented to **the ICICI Bank Ltd, Bommanahalli Branch, Bangalore**. Therefore, this Hon'ble court has jurisdiction to take cognizance of the offence.
>
> WHEREFORE, I pray that this Hon'ble court be pleased to allow my complaint as prayed for in the complaint, in the interest of justice.
>
> What I have stated above is true and correct to the best of my knowledge and belief."

The learned Magistrate registers C.C. No.11728 of 2025 for offences punishable under Section 138 of the NI Act. The cognizance being taken and the criminal case being registered is what drives the petitioner to this Court in the subject petition. In the normal circumstances, this Court would not have entertained the petition even to its threshold, as all that the petitioner projects is in the realm of evidence. But the petitioner wants this to be taken to a new dimension by bringing in a digital arrest. Therefore, what the petitioner went through and the complaint registered by her are required to be considered. The flow of the transaction that the petitioner has explained in the petition is as follows:

i) 17.09.2024 at 8:38 AM – The Petitioner gets a call from +91-9279421759. It was an automated call supposedly from FedEx saying that her parcel couldn't be delivered and she cut this call in 8 seconds. The Petitioner had already got such calls in the last 3-4 days and had ignored them.

ii) 17.09.2024 at 9:49 AM - The Petitioner got a call from +91-9251941127. It was again an automated call purportedly from FedEx saying that her parcel couldn't be delivered. Concerned about what was the package, the Petitioner listened to the automated call which said that she should press 9 for customer care for more details.

iii) When the Petitioner pressed 9, a person claiming to be a FedEx employee informed her that her Aadhaar details have allegedly been compromised and he mentioned the Petitioner's Aadhaar number, name, etc. and he said that someone had misused the Petitioner's personal details to send a parcel to Baluchestan, Iran on 12.09.2024. The receiver's name was one Arman Ali with phone No. +98-9176304258 and he claimed the parcel Tracking No. was 228932129187. He claimed that the parcel contained 4 expired Iranian passports, 5 credit cards, 1 laptop, 4 kg of clothes, 124g MDMA, the total weight of the parcel was 6kg and the parcel charge was Rs. 32,790/-. He claimed that the money came from the ICICI Bank Debit Card ending No. 5164. He further claimed that the parcel had been seized by the Mumbai Customs department as MDMA is an illegal substance. He said that the Petitioner's personal details were being misused for drug trafficking. He said that the Petitioner should immediately report this to the Mumbai cyber crime department and transferred the call. He also identified himself as Ashwin Kumar (FedEx ID - FDX1098). He repeatedly said that the Petitioner hadn't sent any such package and someone has misused the Petitioner's details. He created a sense of urgency and made the Petitioner feel the need to report the issue as soon as possible.

iv) Upon transferring, a person claiming to be Pradeep Sawant, Senior Inspector, Andheri East Police Station answered and the Petitioner told him that she got a call from FedEx saying that her personal details have been misused and that she needs to report this immediately. He asked the Petitioner to provide details and she told him everything. Upon hearing MDMA, he raised his tone and asked the Petitioner if she knew what is MDMA and that it is a banned drug in India since 1992. He immediately told the Petitioner that he will get her Aadhaar checked and then he connected to another person and cited the Petitioner's Aadhaar number. The Petitioner could hear a walkie-talkie where the person replied with her Aadhaar number, name, date of birth, gender and said that her Aadhaar had been misused in J&K, Maharashtra, Karnataka, West Bengal and Kerala. He claimed that it had been used for illegal activities such as money laundering and

drug trafficking and that the Petitioner is a high-risk individual and needs to be investigated immediately. By this time, the Petitioner was extremely alarmed that her personal details had indeed been misused. At this point, the Senior Inspector said that he needs to record her official statement for investigation purposes. He kept shouting at the Petitioner and said that how is it possible that all these illegal activities had happened without her knowledge. He also said that the Petitioner can go to jail for 7 years, that all the evidence is against her and that she can be arrested immediately.

v) 17.09.2024 at 10:20 AM - At this point, he asked the Petitioner to download Skype, gave her a Skype ID (779889) of Mumbai Cyber Crime and said that her statement will be recorded there. On Skype, the Petitioner's video was on, however he came on video for just 1 second and said that he can't be on video for security reasons as he is a policeman. He mentioned that the Petitioner's recorded statement would be tracked by senior officials and that she would be monitored on this line. He also said that the Petitioner should be alone, no one should be around her and if there is even one sound, they will have to reconnect the line. By this time, the Petitioner had started crying and he said that if the Petitioner cries, it will be perceived that she's guilty and that she would have to stay strong and help with the investigation. He mentioned that if the Petitioner doesn't cooperate, she would be arrested.

vi) He relentlessly asked the Petitioner questions one after the other about which city she is based out of, what job does she do, how many bank accounts she has, who all are there in her family, her qualifications, where did she study, where does her family stay, when was the last time she used her Aadhaar card etc, does she use UPI, if she has any loans, what phone does she use, etc. He also reprimanded the Petitioner that if well-educated people like her don't track Aadhaar card usage, then it's a big problem. He said that she should tell him everything as he will be transferring her call to the Deputy Commissioner of Police (DCP) shortly and that he (Pradeep Sawant) was listening to the Petitioner patiently but the DCP won't. He also instructed the Petitioner not to argue with the DCP and to do as told. He kept saying that ideally they would have taken the Petitioner into custody for questioning but they are doing it online since she was not in Mumbai. He repeatedly said that this is a very serious issue and if the Petitioner didn't cooperate, all evidence was against her, they just need to present it to the judge and she would be in jail. He also told the Petitioner to stand before the DCP and only when asked to sit, should she sit. The Petitioner later realized that this was just a tactic to make the DCP look authoritative and to make her scared of the DCP, not speak more than required and to do as told. He also sent a document via Skype in the letter head of the Central Bureau of Investigation, India, which was supposedly a consent to terms of confidentiality agreement. He made the Petitioner read this statement out loud and asked her if she understood everything and said that till the investigation was complete, she cannot speak to anyone. The Petitioner was due to travel

out of station on 18.09.2024 but he said that without permission, she cannot travel anywhere. A copy of the forged Central Bureau of Investigation, India Letter dated 17.09.2024 shared by the fraudsters is produced herewith and marked as **Annexure S**.

vii) He then said that he was sending the report to the DCP and would transfer the call. He said that the Petitioner shouldn't move and should stay online. He threatened that if she moved, then they would slap charges against the Petitioner.

viii) Later, a person named Milind Bharambe spoke. He said that he is the DCP, Maharashtra Police. He spoke in a very authoritative and curt manner. He said that illegal accounts have been opened across the country using the Petitioner's details. He asked the Petitioner sternly that how could these accounts be opened without her biometric data which indicates that she was definitely involved. He also said that Rs. 9.7 Crores had been moved through these accounts and that they have been used for drug trafficking, money laundering, funding sleeper cells and purchase of AK47s. He also said that the Petitioner's Aadhaar had been used by Nawab Malik who is an ex-Tihar Jail convict. He repeatedly said that all evidence was against the Petitioner and that if she had not complained, she would have been in his custody by that evening. He also asked the Petitioner questions about whether she invested in crypto currencies, mutual funds, etc. He said if the Petitioner didn't cooperate, he could arrest the Petitioner even then with the help of the Karnataka Police and that if he presents all this evidence in Court, the Petitioner would be jailed for 7 years and that he case won't even go to the Hon'ble High Court or the Hon'ble Supreme Court of India.

ix) The Petitioner was extremely terrified and scared by this time and said that she would cooperate. She felt paralyzed and was scared to even move. The Petitioner informed him that she has work calls to take and the DCP retorted questioning whether she was understanding what he was saying, that her reputation was at stake here and that her life would be ruined forever if this gets leaked to the media. He told the Petitioner to make an excuse that she was unwell.

x) At this point, the DCP said that they will have to investigate each and every Rupee in the Petitioner's account and check for other illegal activities. He again mentioned that if even one Rupee from her account was found as black money, she would be put in jail. He said that till the Petitioner was proven innocent and given a clearing certificate by them, she was a suspect in his eyes and for him, the Petitioner was the one who has done all these illegal activities. He then told the Petitioner to send her last 6 months bank statement which she provided and he asked her about some transactions, etc. He said he would transfer the call to George Mathews from the Reserve Bank of India (RBI). He then transferred back to the 'monitoring line' where the Senior Inspector said that they have informed George Mathews and he is busy with something. As soon as he is free, he would transfer the call and monitor me till then.

xi) After sometime, George Mathews came on the call and identified himself as the Financial Head, RBI. He said that he

will conduct a thorough investigation of the Petitioner's account as per RBI rules, the money in her account would go through a RBI software that is used to check for black money and money laundering. He asked the Petitioner which are her 2 legal bank accounts and asked her the balance in both. At this point, the Petitioner's account with the 1st Respondent had Rs. 1,36,805.5/- and her HDFC account had Rs. 11,043.65/-. He also made the Petitioner send a screenshot of her current balance. He then asked the Petitioner to login to her iMobile app and told her to go to the pre-approved loan section. He told her to send the screenshot of whatever loans were showing there. He mentioned that the loan amount being shown was too high and the people using her account were aware of this. At this point, the DCP came in and also mentioned that this seems like ICICI's inside job and that the Petitioner must have heard of the 1st Respondent's head, Mrs. Chanda Kochar who was arrested in a money laundering case. He said that a lot of ICICI employees are involved in this and that the Petitioner must cooperate and not disclose this to anyone else as these people would find out and get away. Here, George Mathews then told the Petitioner to click on a pre-approved personal loan of Rs. 50 Lakhs and asked the Petitioner to accept this. He said that this money would be used to investigate the illegal activities happening through the Petitioner's account and said that this was important to catch the criminals and that the Petitioner had to cooperate.

xii) He then told the Petitioner to use her debit card for authentication and after she did that, the loan amount of Rs. 49,92,921/- was credited to her account within seconds. He asked the Petitioner to send a screenshot of this as well. He also shared a document on Skype - 'Acknowledgement Letter from Financial Department Reserve Bank of India' dated 17.09.2024 stating that her bank accounts need to be verified by CBI and RBI and once the investigation was complete, the money would be credited back to her account 30 minutes after the verification was approved by the RBI. A copy of the forged Reserve Bank of India Letter dated 17.09.2024 shared by the fraudsters is produced herewith and marked as **Annexure T**.

xiii) The Petitioner received an email from the 1st Respondent at 12:11 PM and an SMS at 12:12 PM that her loan had been processed. After this, he asked the Petitioner to login to her ICICI net banking account. The Petitioner did not remember her User ID or Password, so he made her call the 1st Respondent to help on this. Once the Petitioner got her User ID, he made her share her screen and login using net banking. At 12:31 PM, he made her change her personalized transaction limit from Option 1 to Special Option. He repeatedly said that this is for verification purposes and once they gave the Petitioner the NOC, her name would be cleared and the money would be credited back to her account.

xiv) He then made the Petitioner add payees through both net banking and her iMobile app. Whenever he made her do a transaction, he said that if the 1st Respondent calls, she should confirm it. The Petitioner was very scared and asked what should she say for such a big amount. Whenever

transactions weren't going through, the DCP would say that people who are using her bank account are getting alerted and are trying to block from their end and that the 1st Respondent's officials are also helping them.

xv) The Petitioner was not allowed to attend her mother-in-law's and husband's phone calls saying that she was under investigation and they told her that when her husband comes home, she should not speak to him as for them everyone is a suspect including her husband and till her name is cleared, she can't say anything to him. The Petitioner's husband later came home at 8 PM from work.

xvi) 17.09.2024 at 6.23 PM - The Petitioner was forced to transfer Rs. 1,99,420/- to her own HDFC account.

xvii) 17.09.2024 at 7.10 PM – The Senior Inspector also made the Petitioner install Telegram saying that she can always reach them there in case Skype doesn't work.

xviii) 17.09.2024 at 6.58 PM to 18.09.2024 at 2.06 PM – The Petitioner was forced to transfer a total sum of Rs. 49,29,390/- vide multiple transfers to unknown payees, including transfers of Rs. 19,99,499/-, Rs. 10,00,000/- and Rs. 19,29,889/- from her account with the 1st Respondent.

xix) 17.09.2024 at 8.30 PM – The Senior Inspector informed the Petitioner that she was cooperating very well, even the DCP said so. He stated that he was trying to get the NOC that day itself but it looked like it would come the next day. So he said that he would message the Petitioner on Skype / Telegram for the call and that the Petitioner should keep her internet on. He told the Petitioner that she could travel the next day and that he would ping her if he needs to speak. He also told her to make sure no one sees her phone and that she shouldn't let her phone out of her sight.

xx) The Petitioner was thus held hostage, virtually for 11 hours continuously from 9:49 AM to 8:30 PM as they coerced her to be on call / video throughout. They repeatedly said that the Petitioner can't google anything about this case and they would get to know if she called someone. After every transaction / payee addition, George Mathews would hand it back to the Senior Inspector to monitor the Petitioner. Sometimes, the Petitioner would also hear the DCP's voice. They would reprimand the Petitioner saying that the Petitioner couldn't make the DCP and Financial Head wait for so long and that they have parallel investigations, thereby putting even more pressure on the Petitioner to comply.

xxi) The Petitioner did not get any call from the 1st Respondent's customer care even when they made her add so many payees in a span of a few minutes or when her transactions were failing or when she made huge transfers, all of which were totally out of character to her previous transaction history for that account. The Petitioner only got automated confirmation calls for the transaction, whenever a transaction went through and George Mathews told her to confirm the transaction as he was running the money through the RBI software and only if it goes through would the Petitioner get cleared of all charges.

xxii) 17.09.2024 at 10:22 PM – The Petitioner received a phone call from them on +91-8823237979, however she didn't pick

up. After seeing the missed call later, she messaged them on Skype but didn't get any response.

xxiii) 18.09.2024 at 8:04 AM - They messaged the Petitioner to call them on Skype but the Petitioner responded at 10:43 AM.

xxiv) 18.09.2024 at 11 AM – They messaged the Petitioner on Telegram stating that she needs to come for 20 minutes on a Skype call at 2 pm and that the Petitioner would get the NOC that day.

xxv) 18.09.2024 at 1:50 PM – The Petitioner received a call from the Senior Inspector +91-9291619794 reminding her about the call.

xxvi) 18.09.2024 at 1:55 PM – The Petitioner joined the Skype call. The DCP informed that her that he presented all the evidence to the judge and they have already arrested 2 people in her case. He said that the Petitioner's name would be cleared and she would get the NOC later that day.

xxvii) 18.09.2024 at 2:00 PM - George Mathews spoke again and informed the Petitioner that they have investigated the money and it was all black money and said that the Petitioner had cooperated well and that she needed to continue cooperating to get the NOC and clear her name of all charges. When the Petitioner asked if she had to apply for another Aadhaar card, they said the NOC would contain all the details of how to apply for another card and would also reverse all the transactions within 30 minutes of sending the NOC.

xxviii) 18.09.2024 at 2:04 PM – The Petitioner was forced to add another payee Vijaya. The Petitioner submits that throughout the ordeal, she was forced to add 8 separate payees in total, namely, Srividya, Indian, SWOFO Technologies Private Limited, Priya, Reshma, Solution, Nitin and Vijaya.

xxix) 18.09.2024 at 2:06 PM - The Petitioner was forced to transfer Rs. 19,29,889/- to Vijaya.

xxx) 18.09.2024 at 2:30 PM – The Petitioner was on video call throughout again and the Senior Inspector said that he would message her at 7 PM to provide the NOC. When the Petitioner asked if she could inform her husband, he said that she could inform after she got the NOC.

xxxi) 18.09.2024 at 7 PM – The Petitioner messaged and called them but didn't get any response.

xxxii) 18.09.2024 at 8:45 PM - The Petitioner informed her parents about the incident. When she told them, they immediately realized that it was a scam. They had read about similar incidents and immediately told her to file a complaint with the National Cyber Crime Portal.

The petitioner, based upon the aforesaid transaction, registers a complaint which becomes a crime in Crime No.759 of 2024. The complaint so registered by the petitioner reads as follows:

> "From,
>
> Mrs. Srividya Bhaskar
> w/o Mr. Suman Reddy
> Aged about 31 years,
> Residing at 204 Saideep Horizon,
> Wind Tunnel Road,
> Murugeshpalya,
> Bangalore- 560017
>
> Phone: +91 8285584284,9902586608
> E-mail: Vidyabhaskar93@gmail.com
>
> MHA Portal No. 21609240047584
>
> To,
>
> The Station House Officer,
> Cyber Crime Police Station
> HKP Road, Sulthangunta, Shivaji Nagar,
> Bengaluru, Karnataka 560051
>
> Sir,
>
> Subject: Police Complaint with regard to online fraud
>
> I, Mrs. Srividya Bhaskar, W/o Mr. Suman Reddy, aged about 31 years, residing at 204 Saideep Horizon, Wind Tunnel Road, Murugeshpalya, Bangalore- 560017, am the Head of Product Marketing - Demand, InMobi and my salary account is in ICICI Bank.
>
> On 17/09/2024, at around 09:50AM I received an automated call from +91 9251941127, where one Mr. Ashwin Kumar, claiming to be from FedEx customer care department and they

informed me that someone has been trying to send a parcel through my Aadhaar details to Iran and this package has been seized by Mumbai customs as it contains 124 mg of MDMA and other things.

Then he transferred my call to Mumbai cybercrime department where person claiming to be Senior Inspector Pradeep informed me that my Aadhaar has been used across the country for illegal activities and I am at a high risk and thus, needs to be investigated immediately.

He then transferred my call to person who identified himself as Milind Bharambe, DCP Maharashtra, who again said that illegal accounts have been opened across the country using my details and an amount of 9.7Cr have been moved through this account, further he also said that my details have also been used for drug trafficking, money laundering, funding sleeper cells, purchase of AK47s. He then sent an Alleged Confidentiality Agreement of Central Bureau of Investigation and threatened me not to try to contact anyone.

He then transferred my call to George Mathew who claimed to be Financial Dept, RBI and added several payees through my ICICI Netbanking under the pretext of investigation. During the skype call ICICI bank transferred Rs.49,92,921/- out of Rs. 50,00,000/- (Rupees Fifty Lakh) loan to my account within a short span of 5 seconds without my approval, verification, authentication or signature from my end seeking this amount. At first, they transferred Rs. 1.99 lakh to my HDFC Bank A/c No-05721930024161 and further, the fraudsters transferred remaining money to various other accounts of theirs.

I was on video call with them for 10 hours as I was told to not move, be alone and not disclose case details to anyone. They did not even allow me to attend my mother-in-law or husband's calls saying that I am under investigation.

They repeatedly threatened to arrest me if I did not cooperate with the investigation.

In total, I have lost a huge sum of Rs. 51,29,006.5/- by the actions of online financial fraudsters aided by the bank's deliberate and negligence and I request you to take the

cognizance of the incident and take necessary actions against the accused.

The Screenshot showing the Skype Call details, alleged acknowledgement letter from financial department of RBI, alleged Confidentiality Agreement of CBI and shared by the fraudster and the Skype ID is attached herewith as documents.

My Account details:

Bank: ICICI Bank
Account Number: 0388001602400
Original Account Balance: Rs. 1,36,085.5/-
Amount transferred to my Account: Rs. 49,92,921/-
Total Amount lost: Rs. 51,29,006.5/-

HDFC Bank A/c No-05721930024161
IFSC-HDFC0000572
Amount-1,99,420/-

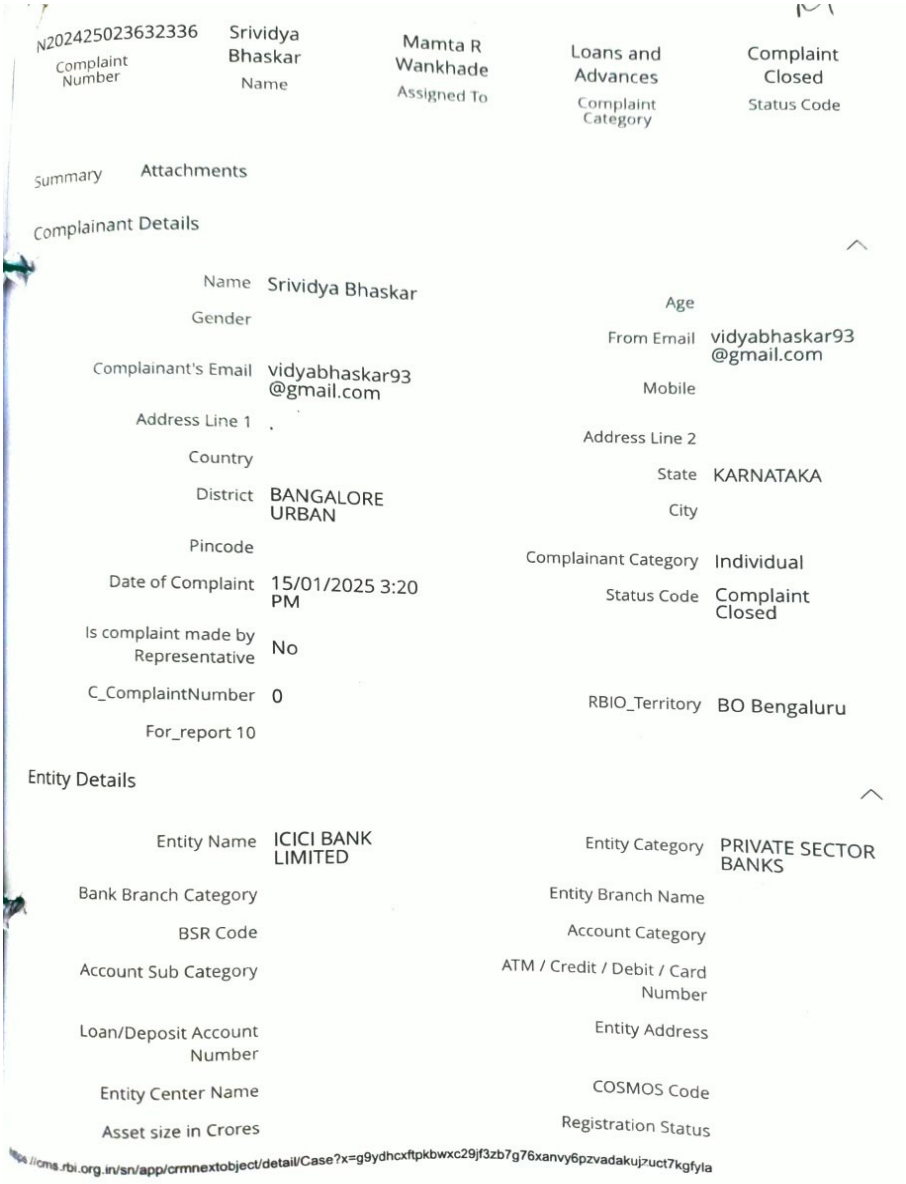
The suspect account details:

1. Transaction Id: DIL8606927
   Account Number: 60505790928
   Date: 17/09/2024
   Amount: Rs. 19,99,499/-
   Bank: Bank of Maharashtra

   Transaction Id: DIL8612312
   Account Number: 0090002100151568
   Date: 17/09/2024
   Amount: Rs. 10,00,000/-
   Bank: Punjab National Bank (including Oriental Bank of Commerce and United Bank of India)

Sd/-
Yours Faithfully”

This is being investigated into. The complainant also complains to the RBI Ombudsman. The Complaint reads as follows:



N202425023632336 Complaint Number | Srividya Bhaskar Name | Mamta R Wankhade Assigned To | Loans and Advances Complaint Category | Complaint Closed Status Code

Summary Attachments

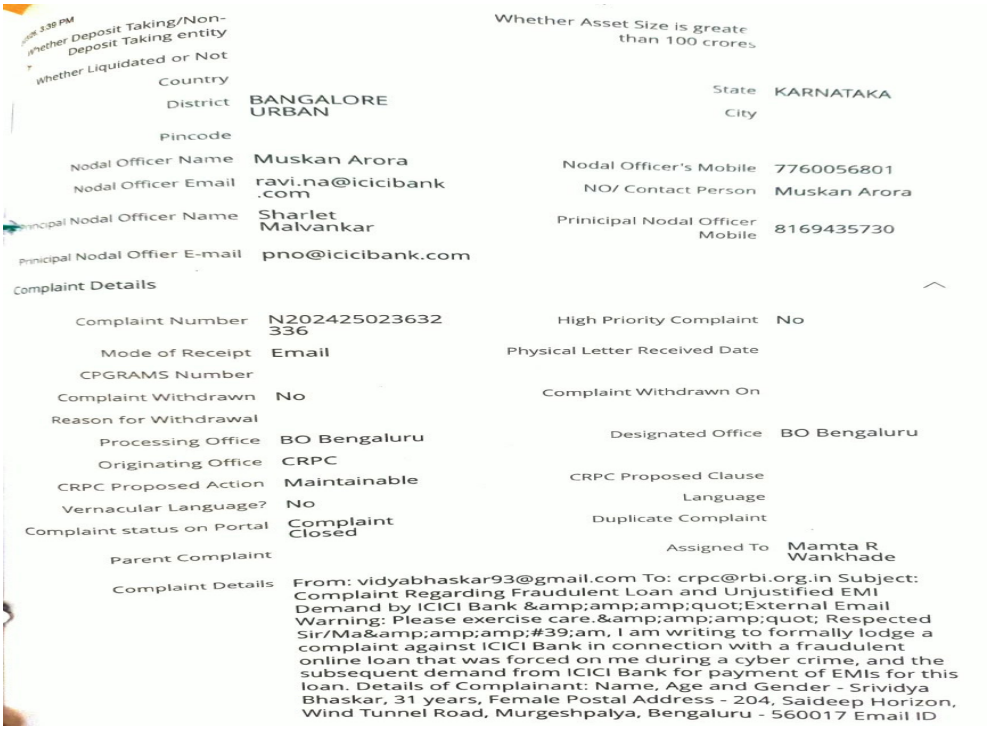
Complainant Details

Name	Srividya Bhaskar	Age	
Gender		From Email	vidyabhaskar93 @gmail.com
Complainant's Email	vidyabhaskar93 @gmail.com	Mobile	
Address Line 1	.	Address Line 2	
Country		State	KARNATAKA
District	BANGALORE URBAN	City	
Pincode		Complainant Category	Individual
Date of Complaint	15/01/2025 3:20 PM	Status Code	Complaint Closed
Is complaint made by Representative	No		
C_ComplaintNumber	0	RBIO_Territory	BO Bengaluru
For_report 10			

Entity Details

Entity Name	ICICI BANK LIMITED	Entity Category	PRIVATE SECTOR BANKS
Bank Branch Category		Entity Branch Name	
BSR Code		Account Category	
Account Sub Category		ATM / Credit / Debit / Card Number	
Loan/Deposit Account Number		Entity Address	
Entity Center Name		COSMOS Code	
Asset size in Crores		Registration Status	

https://cms.rbi.org.in/sn/app/crmnextobject/detail/Case?x=g9ydhcxftpkbwxc29jf3zb7g76xanvy6pzvadakuj7uct7kgfyla



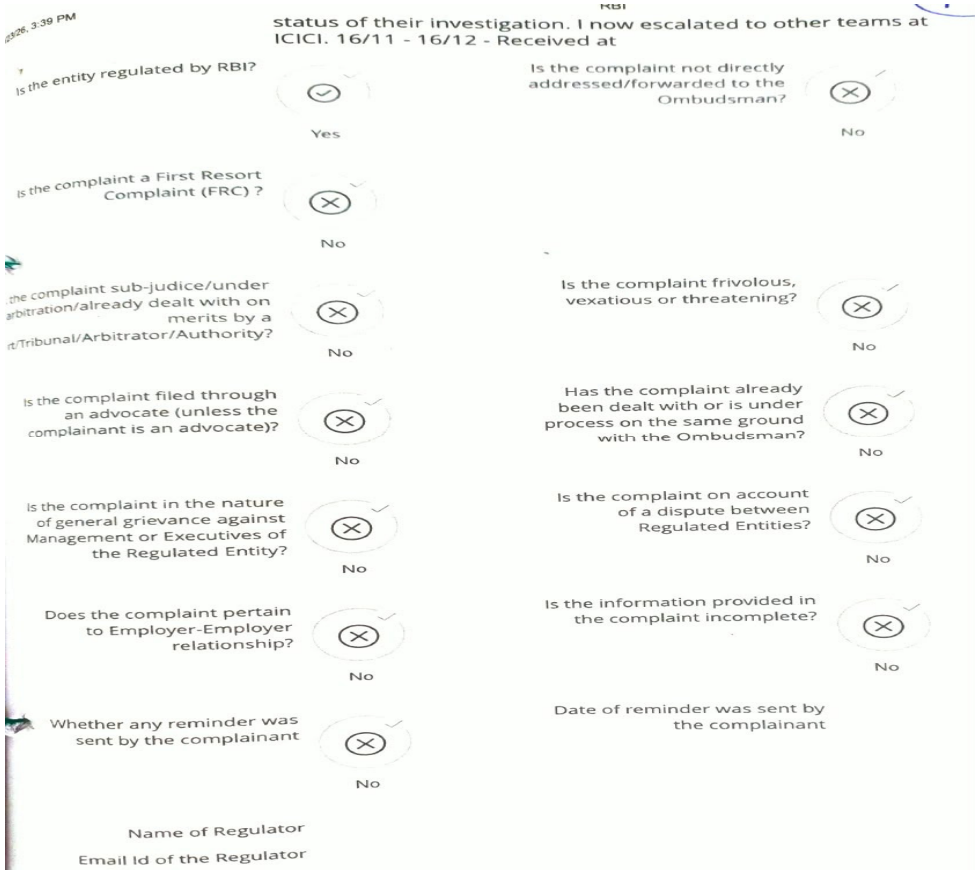
Whether Deposit Taking/Non-Deposit Taking entity		Whether Asset Size is greate than 100 crores	
Whether Liquidated or Not			
Country		State	KARNATAKA
District	BANGALORE URBAN	City	
Pincode			
Nodal Officer Name	Muskan Arora	Nodal Officer's Mobile	7760056801
Nodal Officer Email	ravi.na@icicibank.com	NO/ Contact Person	Muskan Arora
Principal Nodal Officer Name	Sharlet Malvankar	Prinicipal Nodal Officer Mobile	8169435730
Principal Nodal Offier E-mail	pno@icicibank.com		

Complaint Details

Complaint Number	N202425023632336	High Priority Complaint	No
Mode of Receipt	Email	Physical Letter Received Date	
CPGRAMS Number			
Complaint Withdrawn	No	Complaint Withdrawn On	
Reason for Withdrawal			
Processing Office	BO Bengaluru	Designated Office	BO Bengaluru
Originating Office	CRPC		
CRPC Proposed Action	Maintainable	CRPC Proposed Clause	
Vernacular Language?	No	Language	
Complaint status on Portal	Complaint Closed	Duplicate Complaint	
Parent Complaint		Assigned To	Mamta R Wankhade

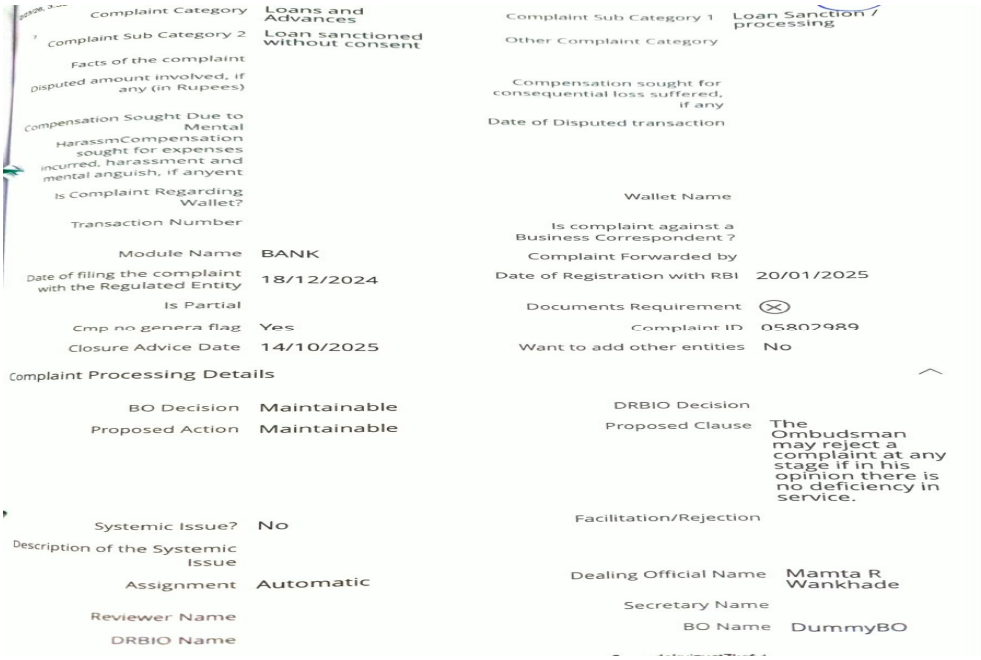
Complaint Details

From: vidyabhaskar93@gmail.com To: crpc@rbi.org.in Subject: Complaint Regarding Fraudulent Loan and Unjustified EMI Demand by ICICI Bank "External Email Warning: Please exercise care." Respected Sir/Ma'am, I am writing to formally lodge a complaint against ICICI Bank in connection with a fraudulent online loan that was forced on me during a cyber crime, and the subsequent demand from ICICI Bank for payment of EMIs for this loan. Details of Complainant: Name, Age and Gender - Srividya Bhaskar, 31 years, Female Postal Address - 204, Saideep Horizon, Wind Tunnel Road, Murgeshpalya, Bengaluru - 560017 Email ID and Mobile number -vidyabhaskar93@gmail.com, 8285584284 Name and address of the Regulated Entity against which the complaint is filed - ICICI Bank Limited, Mumbai, Malad II, Ground Floor, Eureka Towers, Mindspace, Link Road, Mumbai, Maharashtra - 201301 Complainant's account number - 038801602400 Details of Cyber Crime: On 17/09/2024, I got an automated call from FedEx about an undelivered parcel sent with my Aadhaar that was seized by Mumbai Customs with banned drugs and other materials. They told me to report to Mumbai Cyber Crime, transferred the call to a Senior Inspector who said my Aadhaar has been used in various states for money laundering, drug trafficking, etc. He threatened me and gave a Skype ID of Mumbai Cyber Crime to video record my statement even as I kept saying that I was innocent. A DCP then came on call and said that my bank account has been used for money laundering, funding of sleeper cells, purchase of AK47s, that I'm a high-risk individual who needs to be investigated immediately and I will be arrested if I don't cooperate. I was made to read a 'Consent to Terms of CBI Confidentiality Agreement' and was told that I am not allowed to move or speak to anyone till the investigation is complete. When I said that someone is trying to frame me, he said that I'll be collateral damage if I don't cooperate and made me fear for my life. The DCP transferred the call to an RBI person who said a thorough investigation of my bank account is required to detect money laundering activity and coerced me to accept a Rs 50 lakh pre-approved personal loan through iMobile App. I was very reluctant to do this but he intimidated me and told me they will issue an NOC once my name is cleared. Terrified, I submitted the application and Rs 49,92,921 was credited to my account within seconds. Then they forced me to add Payees through Net Banking, screen share through Skype and transfer amounts. For about ten hours on 17/09 and 1 hour on 18/09, I was under continuous virtual arrest, intimidated by these people to do exactly what they told me. Total amount lost in this fraud is Rs 51,29,006. When I realised I was the victim of an elaborate cyber fraud, I filed a complaint on the National Cyber Crime portal in the early hours of 19/09/2024. Since I was out-of-station, on returning to my residence I filed an FIR 0759/2024 dated 21/09/2024 and 24/09/2024 at East CEN Crime PS, Shivajinagar, Bengaluru. Details of communications with ICICI Bank: 18/09 - Informed ICICI Bank's Phone Banking to freeze my account. 21/09 - Submitted the Dispute Form to ICICI bank, Cunningham Road Branch, Bengaluru.ICICI Bank did not allow me to dispute the first transaction which is the loan credit; they allowed me to dispute only the subsequent debit transactions. 24/09 - Received a phone call from ICICI Bank Fraud Investigation Team where I provided details of the case over a 1.5 hour call. 25/09 - Submitted an online complaint number SR1009353576to ICICI Bank using the "File a complaint against any Regulated Entity"feature on RBI's website. 02/11 - Till now, I did not get any communication from ICICI Bank regarding the



status of their investigation. I now escalated to other teams at ICICI. 16/11 - 16/12 - Received at

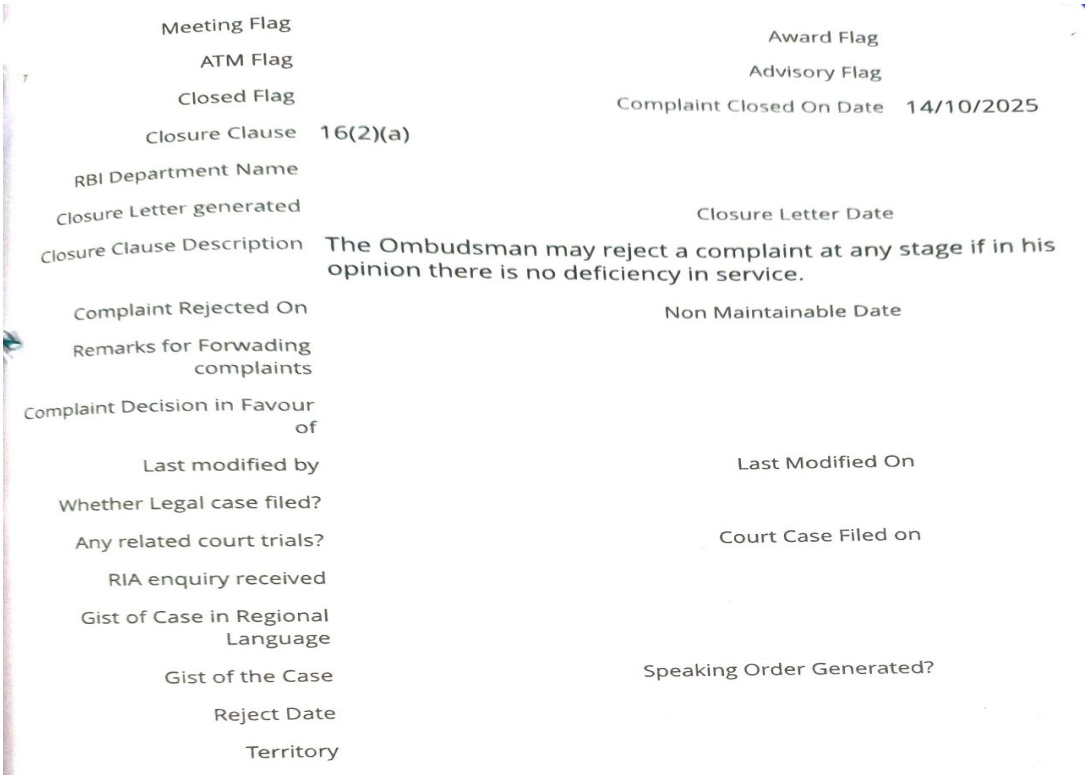
Is the entity regulated by RBI?	Yes
Is the complaint not directly addressed/forwarded to the Ombudsman?	No
Is the complaint a First Resort Complaint (FRC) ?	No
the complaint sub-judice/under arbitration/already dealt with on merits by a rt/Tribunal/Arbitrator/Authority?	No
Is the complaint frivolous, vexatious or threatening?	No
Is the complaint filed through an advocate (unless the complainant is an advocate)?	No
Has the complaint already been dealt with or is under process on the same ground with the Ombudsman?	No
Is the complaint in the nature of general grievance against Management or Executives of the Regulated Entity?	No
Is the complaint on account of a dispute between Regulated Entities?	No
Does the complaint pertain to Employer-Employer relationship?	No
Is the information provided in the complaint incomplete?	No
Whether any reminder was sent by the complainant	No
Date of reminder was sent by the complainant	
Name of Regulator	
Email Id of the Regulator	



Complaint Category	Loans and Advances	Complaint Sub Category 1	Loan Sanction / processing
Complaint Sub Category 2	Loan sanctioned without consent	Other Complaint Category	
Facts of the complaint			
Disputed amount involved, if any (in Rupees)		Compensation sought for consequential loss suffered, if any	
Compensation Sought Due to Mental HarassmCompensation sought for expenses incurred, harassment and mental anguish, if anyent		Date of Disputed transaction	
Is Complaint Regarding Wallet?		Wallet Name	
Transaction Number		Is complaint against a Business Correspondent ?	
Module Name	BANK	Complaint Forwarded by	
Date of filing the complaint with the Regulated Entity	18/12/2024	Date of Registration with RBI	20/01/2025
Is Partial		Documents Requirement	⊗
Cmp no genera flag	Yes	Complaint ID	05802989
Closure Advice Date	14/10/2025	Want to add other entities	No

Complaint Processing Details

BO Decision	Maintainable	DRBIO Decision	
Proposed Action	Maintainable	Proposed Clause	The Ombudsman may reject a complaint at any stage if in his opinion there is no deficiency in service.
Systemic Issue?	No	Facilitation/Rejection	
Description of the Systemic Issue			
Assignment	Automatic	Dealing Official Name	Mamta R Wankhade
Reviewer Name		Secretary Name	
DRBIO Name		BO Name	DummyBO



Meeting Flag		Award Flag	
ATM Flag		Advisory Flag	
Closed Flag		Complaint Closed On Date	14/10/2025
Closure Clause	16(2)(a)		
RBI Department Name			
Closure Letter generated		Closure Letter Date	
Closure Clause Description	The Ombudsman may reject a complaint at any stage if in his opinion there is no deficiency in service.		
Complaint Rejected On		Non Maintainable Date	
Remarks for Forwading complaints			
Complaint Decision in Favour of			
Last modified by		Last Modified On	
Whether Legal case filed?			
Any related court trials?		Court Case Filed on	
RIA enquiry received			
Gist of Case in Regional Language			
Gist of the Case		Speaking Order Generated?	
Reject Date			
Territory			

The prayer of the petitioner before the Ombudsman was cessation of any recovery to be initiated on the score of her availing loan on digital mode. Immediately after this, the Bank issued legal notice demanding payment. The notice reads as follows:

"**Demand Legal Notice**

Dear Sir/Madam,

Re :- Non-payment of ₹352642.00 due and outstanding on account of your PERSONAL loan sanctioned vide Loan Account no.xxxxxxxxxxx7079

Under instructions from our client ICICI Bank Ltd., a Banking Company registered under the Companies Act and having its corporate office at Bandra Kurla Complex, Bandra (East), Mumbai and one of its branch office at ICICI BANK LTD, MYTREE CENTRE NO 4/10, BOMMANHALLI HOUSR MAIN ROAD BANGALORE Karnataka-560068, we serve upon you the following notice:

Please note that you had applied to our client above named for availing a loan and/or financial assistance for your own use and purpose. In the said application you had also, inter alia, assured and/or agreed to abide by all the terms and conditions for availing such PERSONAL loan from our client. You had also categorically and specifically agreed to pay regularly and/or punctually the installments including the interest accrued thereon, month on month without making any delay and/or default in any manner whatsoever.

That being approached and/or requested by you in the manner as aforesaid and further believing upon all the statements and/or assurances made by you, including the assurances of making regular payments of monthly installments together with the interest accrued thereon, as aforesaid, our client, granted, sanctioned and/or disbursed a PERSONAL loan to you vide Loan Account No.xxxxxxxxxxxx7079 which was duly utilized by you.

You had unconditionally assured and/or agreed to make repayment of such loan amount availed by you, by paying necessary monthly installments on the due dates. But inspite of repeated demands from our client, you have deliberately failed and/or neglected to pay the monthly installments together with the interest accrued thereon punctually and/or regularly, and as a result whereof a sum of ₹352642.00 only has become due and payable by you to our client as on 07 February 2025.

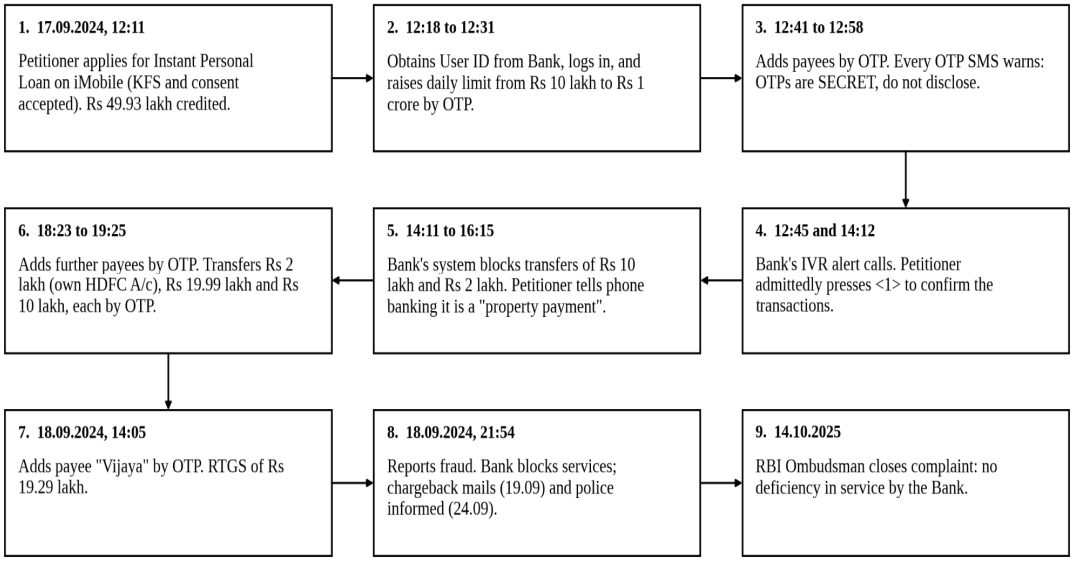
Our client is, therefore, entitled to receive from you and you are bound, liable and obliged to remit/ pay to our client a sum of ₹352642.00 only together with all further interests that will accrue thereon. (The same does not include future installments due in the account).

> In view of and under the circumstances stated herein above, we on behalf of our client and as their legal Agents duly authorized in that behalf, do hereby call upon you to forthwith make payment of the aforesaid sum of ₹352642.00 only due and payable by you together with all further interests at the agreed rate that will accrue thereon to our client abovenamed. Should you fail to comply with the aforesaid requisitions within 7 days from the date of receipt of this notice, our client shall be compelled and constrained to initiate appropriate Civil and/or Criminal proceedings against you before the appropriate Court of Law for recovery of the aforementioned amount, without any further reference to you, which you may please note. Please further note that in the event such proceedings are initiated by our client, you will be held liable for all the costs and consequences resulting there from.
>
> This notice is issued without prejudice to the other rights, claims and contentions of our client in this matter.
>
> Please further note that for the purpose of making payment of the amount as demanded hereinabove you may contact one of the officers of our client above named, namely Muralidhar Gunda, contact no. 9500044699
>
> If it so happens that you have already made the above payment, please ignore this notice."

The petitioner replies to the said notice again reiterating the entire story that is quoted hereinabove. It is only after the Bank's initiation of these proceedings the subject crime is registered in accordance with law.

10. All the submissions that are now being made by the petitioner are in the realm of seriously disputed questions of fact.

The case before this Court is one that is filed under Article 226 of the Constitution of India read with Section 528 of the BNSS, and the projection is that the entire transaction has happened through digital arrest. The said submission cannot be accepted at this juncture, as every disputed transaction tomorrow can be said to be a product of digital arrest, and the borrower would get away with the loan that he or she has availed of. The sequence of events between 17-09-2024 and 14-10-2025, the date on which the complaint is closed by the RBI Ombudsman holding that there was no deficiency in service, can be seen from the following flow chart:



It is seen from the flow chart that, for every transaction, a one time password is sent to the mobile of the petitioner and the petitioner herself approves it. The petitioner further approves the transfer of the money to others as well. In that light, there is no warrant of interference by this Court at this stage of the case, which requires evidence, as every instance is a seriously disputed question of fact.

11. Finding no merit in the petition, the petition stands **dismissed.** Interim order, if any operating, shall also stand dissolved.

Consequently, pending applications if any, also stand disposed.

Sd/-
(M.NAGAPRASANNA)
JUDGE

bkp
CT:MJ