HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12064/2025

Padam Kumar Jain S/o Sh. Babu Lal Jain, aged about 47 Years, R/o Kot Khawada, Kothawada, Jaipur, Rajasthan-303908

----Petitioner

Versus

1. Bank of Maharashtra, through its Branch Manager, Ashok Marg, C-Scheme, City Tower, Jaipur.
2. The Assistant Commission of Police, P.S. Telangana Cyberabad, Cyber Crime, Telangana.

----Respondents

For Petitioner(s)	:	Mr. Akshat Sharma
For Respondent(s)	:	Mr. Rajendra Prasad-AG Mr. Himanshu Tholia for respondent No. 1 Ms. Dhriti Laddha Mr. C.S. Sinha

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JUSTICE ANOOP KUMAR DHAND

Order

03/09/2025

1. The instant writ petition has been filed by the petitioner with the following prayer:-

> "I. Issue an appropriate writ, order, or direction to the respondent no.1 to immediately unblock/unfreeze the bank account of the petitioner bearing account no. 68017419219 at Bank of Maharasthra, Ashok Marg, C-Scheme, City Tower, Jaipur;
>
> II. Direct the respondents to provide the written reasons for the blocking/freezing of the bank account and any communication/information received from the Cyber Crime Authorities, if any.
>
> III. Pass any other appropriate order or relief as may be deemed just and proper in the facts and circumstances of the case in favour of the petitioner.

IV. Cost of the petition may kindly be awarded in favour of the petitioner."

2. By way of filing this writ petition, the petitioner is seeking direction against the respondent- Bank to de-freeze his bank account.

3. Counsel for the petitioner submits that the petitioner is a petty shopkeeper indulged in the business of selling Kachoris. Counsel submits that his bank account has been seized by the respondent- Bank without issuing any notice to him and on account of the said action on the part of the respondent-Bank, it is difficult for the petitioner to run his business smoothly, hence, under these circumstances, it is prayed that appropriate direction be issued to the respondent-Bank to de-freeze his bank account forthwith.

4. Per contra, counsel appearing for the respondents opposed the arguments raised by counsel for the petitioner and submitted that a complaint was lodged on the National Cyber Crime Reporting Portal (NCCRP), being investigated by the Investigating Agency of the State of Telagana wherein it was alleged that crores of rupees have been siphoned by unknown accused persons from the account of the complainant. Counsel submits that these fraudulent transactions have been found in the bank account of the petitioner. Counsel submits that as per the Standard of Procedure (SoP) as issued by the Ministry of Home Affairs, the bank has freezed the petitioner's account.

5. Considering the submissions made at Bar and after perusing the documents available on record, it seems that disputed amount

of Rs. 5000/- has been deposited in the bank account of the petitioner.

6. No material has been placed on record so far indicating that the petitioner is involved in any cyber crime but looking to the fact that the entire account of the petitioner who is indulged in the business of selling Kachori has been freezed, the respondents are directed to de-freeze the account of the petitioner bearing No.68017419219 at the Bank of Maharasthra, Ashok Marg, C-Scheme, City Tower, Jaipur and he may be allowed to operate and make transactions from the said account. It is made clear that the petitioner will co-operate with the respondents and the Investigating Agency and will appear before them as and when required.

7. This Court also holds that the petitioner shall not close or discontinue the aforesaid account till the Investigating Agency and banking authorities permit him to do so.

8. It is further ordered that after investigation, if the involvement of the petitioner is found in any illegal transactions, he shall be liable to pay the amount involved in the aforesaid illegal transactions and will face inquiry/investigation in accordance with law.

9. It is also ordered that the respondent-Bank shall be at liberty to transfer the amount involved in the illegal transaction to the original account, from which it was credited to the petitioner's account.

10. With the aforesaid observations/directions, the instant writ petition stands disposed of. The stay application and all pending application(s), if any, also stand disposed of.

11. Before parting with the order, this Court would like to observe that vide order dated 11.08.2025 formulating the following question of law "whether the bank account of any account holder can be seized only at the instance of a letter received from the Police (Investigating Agency) without following the procedure contained under Section 102 Cr.P.C.?" Thereafter vide order dated 18.08.2025 this Court directed the counsel for the respondent-Union of India to apprise this Court "whether any Standard of Procedure (SoP) has been prepared to address the difficulties faced by the hundreds/thousands of account holders whose bank account have been freezed only at the instance of a letter received from the different Investigating Agencies across the country. A general notice has been issued to the Members of the Bar to address this Court on the aforesaid issue.

12. On request by this Court, the Advocate General and the counsel appearing on behalf of the Additional Solicitor General have put in appearance before this Court and apprised this Court that so far as the State of Rajasthan is concerned certain guidelines have been framed by the Director General of Police, (Cyber Crime) on 09.05.2025 wherein after receipt of certain directions issued by the Delhi High Court and Calcutta High Court, six points have been formulated to deal with the issue involved in the instant writ petition and accordingly, all the concerned Superintendent of Police and Assistant Commissioner of Police have been directed to instruct the concerned Investigating Agencies to remain careful while issuing letters to the banks for freezing the bank account.

13. He further submits that so far as the State of Rajasthan is concerned these guidelines have been given effect and are being followed in each and every matter. Counsel submits that so far as the complaints received from Investigating Agencies of other States are concerned, the matter is subjudice at the level of the Centre wherein the Ministry of Home Affairs is in process of framing certain nation-wide guidelines in the form of SoP. Counsel submits that this petition be deferred for some other day awaiting the SoP framed by the Ministry of Home Affairs. He further submits that RBI is a necessary and proper party in such like matter who is the statutory body governing the banking system, so that the stand of RBI was also taken into account before passing appropriate orders by this Court.

14. Mr. C.S Sinha, Adv. submits that recently, similar issue cropped up before the Jharkhand High Court whereby this issue has been addressed by the concerned AG who appeared there and submitted that the preparation of SoP to deal with such like issue is almost at its final stage and the same would be finalized very soon, and therefore the case be deferred for some time.

15. Considering the above factual aspect of the matter, the Registrar (Judicial) is directed to re-notify this matter in the first week of October, 2025 after publishing the general notice in the cause list inviting the members of the Bar to address the Court on the issue involved in this writ petition.

16. In the facts and circumstances, this Court deems it just and proper to take assistance of Mr. C.S. Sinha, Adv. as well as Mr. Shailesh Prakash Sharma, Adv. who appears on behalf of Ministry of Home Affairs and Reserve Bank of India respectively. They are

directed to put in appearance on behalf of the respected departments on the next date of hearing and assist the Court.

(ANOOP KUMAR DHAND),J

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