

(2026) 01 MP CK 1856

In the Madhya Pradesh High Court, Indore Bench

Case No : Writ Petition No. 3465 Of 2026

Mohd. Aijaz

APPELLANT

Vs

Reserve Bank Of India And Others

RESPONDENT

Date of Decision : 28-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 226
Code Of Criminal Procedure, 1973 — Section 102

Citation : (2026) 01 MP CK 1856

Hon'ble Judges : Pranay Verma, J

Bench : Single Bench

Advocate : Ziman Khan

Final Decision : Disposed Of

Judgement

Pranay Verma, J

1. This writ petition has been preferred by the petitioner under Article 226 of the Constitution of India praying for the following reliefs:

"7.1 It is, therefore most humbly prayed-that this Hon'ble Court may kindly be pleased to issue appropriate writ, order or direction directing Respondent No.2 (HDFC Bank) to immediately unfreeze/unblock the petitioner's bank account [A/c No.50200106344357] and to restrict the freeze/block strictly to the exact disputed amount out of the total amount of Rs.1,49,066/-.

7.2 This Hon'ble Court may further be pleased to direct the respondents to furnish to the petitioner copies of the complaint, intimation, order or lawful authority, on the basis of which directions were issued to Respondent No.2 for freezing the petitioner's bank account.

7.3 Any other relief, which this Hon'ble Court deem fit under the peculiar facts and circumstances of the case may kindly be granted in favor of the petitioner."

2. Learned counsel for the petitioner has submitted that the case of the

petitioner is squarely covered by the decision rendered by this Court in the case of Malcolm Murayis & Ors. Vs. State Bank of India and Others Malcolm Murayis & Ors. Vs. State Bank of India and Others passed in W.P. No.1100 of 2024 dated 26.04.2024.

3. So far as the decision rendered in the case of Malcolm Murayis (supra) is concerned, the same reads as under:-

"1] This order shall also govern the disposal of W.P. Nos.1100/2024 and 1185/2024 as in both the petitions identical reliefs have been sought by the parties.

2] These petitions have been filed by the petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

"a) This petition may kindly be allowed with cost.

b) To direct the Respondent No. 2 thereby directing Respondents to remove the hold/freeze on the Bank account of petitioners.

c) Issue such other orders, writ, and direction as this Hon'ble court deems fit in the interest of justice in favour of petitioner."

3] The grievance of the petitioners is that they are engaged in trading of crypto and virtual currency, and having their bank accounts with State Bank of India and ICICI Bank, which have been frozen all of a sudden, only on the intimation sent by the cyber cells of the various police stations, viz., respondent Nos.3 to 9, to freeze the aforesaid account on the allegation that the accounts are involved in some cyber fraud. The amounts of which have also been disclosed, as to how much of the amount is credited in the account of the petitioners, which are linked to cyber crime/fraud.

4] Counsel for the petitioners has submitted that the petitioners have never received any notice from any police station regarding their involvement in any such offence, and even otherwise, they are lawfully carrying out their business of trading, and it appears that some person who was involved in fraud has transacted through the petitioners. Thus, it is submitted that the petitioners may be allowed to operate their bank account, and so far as the amount which is said to be credited on account of the cyber fraud, it is submitted that it may be kept in separate fixed deposits so that the same can be withdrawn as and when the clean chit is given to the petitioner. Counsel has also submitted that none of the investigating agencies have complied with Section 102 of Cr.P.C. and have not informed the concerned Magistrate about such seizure. Thus, it is submitted that the petition be allowed.

5] Counsel for the respondents Banks have submitted that the Banks have not frozen the account of the petitioners on their own but only at the instructions of various cyber cell police stations, and are bound by the instructions issued by such investigating authorities. Thus, it is submitted that the appropriate orders

may be passed.

6] Heard counsel for the parties and perused the record.

7] From the record, it is found that this Court vide its order dated 14/03/2024 has passed an interim order in the following manner:-

"Heard on the question of admission and interim relief.

Let notice be issued to respondents No.3 to 9 in WP No.1100/2024 and respondents No.3 to 6 in WP No.1185/2024 on payment of process fees within three working days, returnable within further two weeks time, who are various police authorities and who have sent the requests to the respondent No.1/SBI to freeze the account of the petitioners, alleging some cyber crime.

Since the notices have been served on respondent No.1 SBI by the aforesaid authorities through email only, the notice of this petition shall also be sent to these authorities through their respective emails, so as to expedite the matter.

On payment of separate process fees, the petitioners are also permitted to serve dasti notice to the respondent No.3 ICICI Bank in WP No.1185/2024, whereas the other respondents shall be served through emails. Notice shall be returnable within two weeks time.

Shri Arpit Guru, learned counsel for the SBI is also directed to apprise the investigating agencies who are respondents No.3 to 9 in WP No.1100/2024 and respondents No.3 to 6 in WP No.1185/2024 about the court's proceeding today, so that they can also submit their reply expeditiously.

The respondents are directed to file their reply positively within further three weeks time.

As an interim measure, it is directed that till the next date of hearing, each of the petitioners shall be allowed to withdraw Rs.50,000/- per month from their respective accounts."

(emphasis supplied)

8] In compliance of the aforesaid order, State Bank of India has already sent emails to the concerned cyber crime cell of various police stations but except the cyber crime cell of Bangalore, Karnataka / respondent No.4 in connected petition W.P. No.1185/2024, no other police station has taken trouble to respond to the emails sent to them, which also demonstrates the poor functioning and irresponsible approach of the said cyber crime cells of various States as on one hand they had sent emails to the various banks to freeze certain accounts, and on the other hand they are not willing to respond to the emails sent to them.

9] In such circumstances, this Court is inclined to dispose of this petition with a direction to the respondents/Bank to keep the disputed amount as informed to them by various cyber crime agencies, in fixed deposits, which shall be allowed to be liquidated only after the orders are passed by the competent Judicial

Magistrate within three months' time as it is expected from the cyber crime police to proceed in accordance with law under Section 102 of Cr.P.C., or any other law on which they are relying upon, failing which the amount so kept in FDs may also be allowed to be withdrawn by the petitioners under intimation to the cyber crime agencies.

10] With the aforesaid direction, the petitions stand disposed of."

4. On due consideration, this Court is of the considered opinion that the decision rendered by this Court in the case of Malcolm Murayis (*supra*) shall be applicable *mutatis mutandis* in the present case also.

5. In such circumstances, this Court is inclined to dispose off this petition with a direction to the respondents/Bank to keep the disputed amount as informed to it by the crime agencies in fixed deposits, which shall be allowed to be liquidated only after the orders are passed by the competent Judicial Magistrate within three months' time as it is expected from the Police agency to proceed in accordance with law under the relevant provisions of the BNSS or any other law on which it is relying upon, failing which the amount so kept in FD may also be allowed to be withdrawn by the petitioner under intimation to the Police agency. In the present case also, the bank account of the petitioner shall be unfrozen.

6. With the aforesaid direction, the petition stands disposed off.