



W.P. No.375 - 2025

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
ON THE 8th OF JANUARY, 2025**

WRIT PETITION No. 375 of 2025

KRISHNA GOLD THROUGH PROPIETOR VANKTESH LADDHA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Shantanu Sharma- Advocate for the petitioner.

Shri Raghav Shrivastava- P.L./G.A. for the State.

ORDER

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

“In the facts and circumstances of the case the Petitioner humbly prays as under :

A) That the Hon’ble Court be pleased to issue a writ, direction or order in the nature Mandamus or other appropriate Writ quashing the impugned action of the Respondents and restore the current account being no 42710200002016 of the Petitioner with the Bank Of Baroda Respondent no3.

B) Cost of this Petition.

C) Such other relief/ reliefs this Hon’ble Court deems fit.”

2] The grievance of the petitioner is that the petitioner is a proprietary firm, engaged in gold trading, and its account at Bank of Baroda has been freezed at the instance of respondent No.2, the Senior Police Inspector, Cybercrime Police, Solapur, Maharashtra, as has been informed to the petitioner by the Bank. The account of the petitioner has been freezed can also be demonstrated by the cheque, which was deposited by the petitioner,



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on which the Bank authorities have endorsed that the account has been freezed.

3] Counsel for the petitioner has submitted that according to the information received, there is some transaction by the petitioner firm with one Pitambar Das, which, according to the respondent No.2 is of dubious nature, which has led to freezing of the petitioner's bank account.

4] Counsel has also drawn the attention of this Court to an order passed in an identical case, in the case of *Gautam Bhandari and Others Vs. State Bank of India and Others* passed in *W.P. No.30822/2024* dated *25.10.2024* wherein also, in an identical case, this Court had granted a relief to the petitioner that the amount which is disputed may be kept in a fixed deposit by the bank, with further direction that the competent Judicial Magistrate shall proceed in accordance with law under Section 102 of Cr.P.C.. Thus, it is submitted that the petitioner also agrees that the amount relating to questionable transaction may be kept in a fixed deposit, and the petitioner may be allowed to operate his account.

5] **Heard.** On due consideration of submissions and on perusal of the documents filed on record, this Court finds the prayer reasonable and innocuous, as no prejudice would be caused either to the Bank or to the respondent No.2, if the disputed amount is kept in fixed deposits, as has been ordered by this Court in the case of *Gautam Bhandari (Supra)*. Thus maintaining the prity, this Court is inclined to allow the present petition as well.

6] So far as the order passed by this Court in the case of *Gautam Bhandari (Supra)* is concerned, the same reads as under:-



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

"It is therefore most humbly prayed by the petitioner that by a suitable writ order or direction this Hon'ble Court may be pleased to: -

- a) This petition may kindly be allowed with cost.
- b) To direct the Respondent No. 6 to 10 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. "

2. The grievance of the petitioners is that their accounts have been freezed on account of some fraudulent activity.

3. Counsel for the petitioners has submitted that the petitioners are medical students, studying in fourth semester in Aurobindo College, Indore and were also trading in Crypto currency, in which the aforesaid transactions were made in their accounts. It is submitted that the petitioners may be allowed to operate their accounts, as the disputed entries are already on hold.

4. Counsel for the respondent No.1/ SBI has submitted that no case for interference is made out, however, it is not denied that on earlier occasions, this Court had passed various orders and one such order was passed in the case of *Malcolm Murayis and Others Vs. State Bank of India and Others*, W.P. No.1100/2024 dated 26.04.2024.

5. Heard. On due consideration of submissions and on perusal of the documents filed on record, it is found that so far as the order passed in the case of *Malcolm Murayis (Supra)* is concerned, it has been observed as under:-

"[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 cybercrime 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 cybercrime agencies."

(Emphasis Supplied)

6. On due consideration of the reliefs sought by the petitioners, as also the aforesaid order, this Court is inclined to dispose of this petition



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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 cybercrime 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 cybercrime agencies.

7. With the aforesaid direction, the petition stands *disposed of*.

7] Accordingly, the present petition stands *allowed* with a direction to the respondent No.3/Bank to keep the disputed amount as informed to them by cybercrime agency (the respondent no.2), in a fixed deposit, which shall be allowed to be liquidated only after the order is passed by the competent Judicial Magistrate **within three months' time** as it is expected from the Cybercrime 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 petitioner under intimation to the Cybercrime agency.

8] With the aforesaid, the petition stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)
JUDGE