

Court No. - 40

Case :- WRIT - C No. - 39373 of 2023

Petitioner :- Trilok Chandra @ Triloki And Another

Respondent :- Union Of India And 7 Others

Counsel for Petitioner :- Dheeraj Kumar Tiwari

Counsel for Respondent :- A.S.G.I., Anadi Krishna Narayana, Ashish Agrawal, C.S.C., Ramesh Kumar Shukla, Satish Chaturvedi, Saurabh Kumar Tripathi

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Javed Alam, holding brief of Sri Dheeraj Kumar Tiwari, learned counsel for the petitioners; Sri S.C. Upadhyay, learned Standing Counsel for the State-respondent nos. 2 and 3; Sri Prem Shanker Srivastava for respondent no. 5-State Bank of India; Sri Anadi Krishna Narayana for respondent no. 6-Bank of Baroda; Sri Ashish Agrawal for respondent no. 7-Union Bank and Sri Ramesh Kumar Shukla for respondent no. 8-Punjab National Bank.

2. Present writ petition has been preferred for following reliefs:-

"(a) issue a writ, order or direction in the nature of certiorari to quash the application dated 11.10.2023 given by the investigating officer to Bank Manager of H.D.F.C. Bank Bulandshahar (Annexure No. to this writ petition).

(b) issue a writ, order or direction in the nature of mandamus directing the respondents bank to open the accounts of the petitioners forthwith."

3. On 16.11.2023, the Court had asked learned Standing Counsel to seek instructions in the matter. In response thereof, learned Standing Counsel has placed the detailed instructions sent by respondent nos.2 and 3, which is taken on record. On the basis of instructions, he submits that an FIR No.881 of 2023 dated 07.10.2023 was lodged against the petitioners and 14 others under section 3/4 Public Gambling Act and the investigation is in progress. During investigation the Investigating Officer found

suspicion of commission of offence and accordingly he made a request to the concerned Bank for freezing the suspicious account in question in view of the provisions contained under Section 102 of the Code of Criminal Procedure. Learned Standing Counsel, in this backdrop, has raised an objection that present writ petition is preferred with concealment of material fact. He further raised an objection that entire relief has been asked against the private bank i.e. HDFC Bank, which does not fall under Art.12 of the Constitution of India and as such no relief can be granted under Art.226 of the Constitution.

4. Confronted with this, learned counsel for the petitioners states that he is not inclined to press the writ petition. However, liberty may be accorded to approach the competent authority/ court for redressal of their grievance.

5. In view of above, the writ petition is **dismissed** as not pressed with liberty as aforesaid.

Order Date :- 23.11.2023
Vikram