



Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 485 of 2024

Date of Decision: 23.04.2025

Shri. Pawan Kumar Singhania
M/s Pawan Store, Mawlong Hat,
Shillong, Meghalaya – 793002

:::Petitioner

-Vs-

1.Union of India represented by
Secretary, Department of Economic
Affairs, Government of India, New Delhi

2.Regional Director, Reserve Bank of India,
Regional Office, Risa Colony, Shillong-793003

3.The Chief Manager, State Bank of India, Iewduh
Brach, Shillong – 793002

4.Additional Superintendent of Police,
Office of the Superintendent of Police,
Near Dr. Ambedkar Statue, Civil Lines,
Wardha, Maharashtra – 442001

:::Respondents

5.Shri. Sushil Jha
R.D. Enterprise, Shop No. 9,
Kulang Road, Nongjri, South West
Khasi Hills, Mawkyrwat – 793119

:::Pro Forma Respondent



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) :	Mr. S. Jindal, Adv. Mr. I. Kharmujai, Adv. Ms. T. Pohlong, Adv.
For the Respondent(s) :	Mr. P. Hazarika, Adv. (For R 2) Ms. F.Kharsyiemieng, Adv.(For R 3) Mr. A. Kumar, Sr. Adv. with Ms. R. Colney, Adv. (For R 4).

i) Whether approved for reporting in Law journals etc.:	Yes/No
ii) Whether approved for publication in press:	Yes/No

Oral:

1. This matter as per order dated 01.04.2025, is being heard today on the question of maintainability which has been raised by the respondent No. 4, who is represented herein by Mr. A. Kumar, learned Senior counsel assisted by Ms. R. Colney, learned counsel.

2. Before alluding to the submissions advanced by the parties, in brief the facts are that against the freezing of his current bank account being Number 00000040727353645, held with the State Bank of India, the writ petitioner has assailed the same, by way of the instant writ petition. The grounds set forth are that the petitioner is in no way connected with any



alleged fraud, and the payments credited to his account by a 3rd party was for goods, which had been supplied to the pro forma respondent, who had instructed the 3rd party to make such payment. Further, the writ petitioner has contended that though the purported amount in question is only of Rs.5.21 Lakhs, the respondent State Bank has frozen the entire bank account, which has severely affected the business of the petitioner.

3. Mr. A. Kumar, learned Senior counsel assisted by Ms. R. Colney, learned counsel for the respondent No. 4, has submitted that the writ petition is not maintainable for want of jurisdiction, and that a criminal investigation is pending against the petitioner, registered under Section 419, 420 IPC and 66(D) of the Information and Technology Act, in Cyber Police Station in Crime No. 23 of 2023, P.S. Thane, Wardha Cyber Police, Thane, Maharashtra. It is further submitted that the SBI account of the petitioner in the name of 'Pawan Store' is part of a money trail involved in the abovementioned case, and that the said account operated by the petitioner is also involved in other similar matters, as reflected in the National Cyber Crime Reporting Portal. In this regard, it is submitted that directions have been issued to the State Bank of India to freeze the account of the petitioner, as the same had been used to receive the proceeds of crime and also to fund illegal operations.



4. Learned Senior counsel submits that no part of the cause of action arises in the jurisdiction of this Court, inasmuch as, the FIR had been registered in Maharashtra, and the investigation is ongoing in Maharashtra itself. As such, he asserts, the investigation of the crime being undertaken by the police of the concerned State, the Courts of appropriate jurisdiction would therefore be the Courts of the State of Maharashtra, within the territorial jurisdiction of the Bombay High Court. Further, he submits the action of the State Bank of India is based on the directions issued by the Additional Superintendent of Police, Wardha District, Maharashtra, directing the State Bank of India to freeze the account of the petitioner, and as the entire chain of events is connected with the registration of the FIR, and the entire offence being criminal in nature, a civil writ petition also will not be maintainable.

5. It is also contended that the petitioner has concealed the fact that he was in receipt of a notice dated 10.10.2024, directing him to provide relevant and authentic documents relating to the dubious amount of Rs.2 Lakhs, and to be present at the office of the Superintendent of Police, Wardha, Maharashtra, which the petitioner ignored and did not participate or cooperate in the investigation. He lastly submits that on all counts, the writ petition is not maintainable before this Court, and as such, is liable to be dismissed. Learned Senior counsel has also placed reliance in the case



of *Teesta Atul Setalvad vs. State of Maharashtra & Ors.* reported in **2014 SCC OnLine Bom 4819**, in support of his arguments.

6. Mr. S. Jindal, learned counsel for the petitioner in reply submits that the petitioner's primary prayer is with regard to the de-freezing of the bank account held with the respondent No. 3, and that the petitioner has not raised any challenge against the investigation being conducted by the respondent No. 4. Learned counsel submits that therefore the writ petition being restricted only to the de-freezing of the bank account of the writ petitioner held with the SBI, Shillong, this Court has ample jurisdiction under Article 226 of the Constitution of India, to entertain the matter. The learned counsel has submitted that in another similar case before the Madras High Court, in the case of *Mohammed Saifullah vs. Reserve Bank of India & Ors. (WP No. 25631/2024)*, by order dated 10.09.2024, while ordering the de-freezing of the account, had observed that the suspected money was only of Rs.2,48,835/- but the entire account had been frozen, the petitioner was allowed to operate the account with a lien marked over Rs.2,50000/-. The learned counsel has also placed reliance on an order passed by this Court dated 03.03.2025, in the case of *M/s Gargya Autocity Private Limited vs. Ramganjmandi Police Station & Ors.*, wherein he submits this Court was pleased to order for unfreezing of the bank account



of the petitioner subject to furnishing of an indemnity bond for the amount in question.

7. The learned counsel for the petitioner therefore submits that all that the petitioner is seeking is for similar treatment, so that he will not face business loss. It is further submitted that the petitioner is not aware about the notice dated 10.10.2024, issued by the respondent No. 4, and it is not a fact that the petitioner has concealed the same.

8. Mr. P. Hazarika, learned counsel for the respondent No. 2 and Ms. F. Kharsyiemiong, learned counsel for the respondent No. 3, have supported the submissions made by the learned Senior counsel for the respondent No. 4.

9. Having heard the learned counsel for the parties on the question of maintainability of the writ petition, it is noted that the undisputed facts as they pertain, is the pendency of a criminal investigation, which had been initiated upon a complaint by a person in Maharashtra, and that the suspect amount deposited into the account of the petitioner is by a 3rd party, which has been implicated in the commission of a cyber-crime. The action of freezing or de-freezing of accounts, is therefore clearly consequential to and has arisen out of the criminal investigation, which is underway in the State of Maharashtra.



10. From the materials as presented by the respondent No. 4, it is seen that the FIR was registered at District Wardha: Police Station, Wardha Cyber on 16.10.2023, wherein a complaint has been made with regard to the defrauding of the informant with details of payments made to several entities mentioned therein. It appears that a certain Akash Pal of Akash Developers is the recipient of certain sums alleged to have been defrauded from the informant, and that from the account of the said Akash Pal, an amount of Rs.2 Lakhs had been credited to the account of the petitioner, which the petitioner maintains is for payment due from the pro forma respondent. From the affidavit filed by the respondent No. 4, it has also been alleged that the bank account of the petitioner is also involved in other similar matters, as given in the National Cyber Crime Reporting Portal.

11. The investigation therefore which is still underway, and though the petitioner has categorically stated that the same is not under challenge, but limited only to seeking the relief of de-freezing of his account apart from the amount stated to be involved in dubious transaction, this Court in the light of the facts and circumstances of the case, is not inclined to allow the prayer, even though part of the cause of action has arisen within the territorial jurisdiction of this Court. The reason for rejection of this prayer is also coupled with the fact that the petitioner has been summoned by the respondent No. 4, to appear to clarify the matter vide letter dated



10.10.2024, which however, the petitioner has pleaded ignorance of. In the considered view of this Court therefore, the matter would be best served, if the petitioner approaches the jurisdictional Courts in Maharashtra itself, for the reliefs claimed in the instant writ petition or to appear before the respondent No. 4, as requested. The cases cited by the petitioner being on a different footing especially the matter pending before this Court i.e. *M/s Gargya Autocity Private Limited(supra)*, wherein there was no notice and situated on dissimilar facts is of no assistance to the present case.

12. Accordingly, on the ground of maintainability, without further dwelling on other facts, the instant writ petition stands dismissed and is disposed of.

Judge

Meghalaya
23.04.2025
"D.Thabab-PS"