



CNR: KAHC010500252021

NC: 2026:KHC:54647
WP No. 110 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

WRIT PETITION No.110 OF 2022 (GM-RES)

BETWEEN:

PHONEPE PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT
1956, HAVING ITS REGISTERED ADDRESS AT
UNIT NO.001, GROUND FLOOR, BOSTON HOUSE
SUREN ROAD,
OFF. ANDHERI-KURLA ROAD,
ANDHERI (EAST) MUMBAI -400 093

AND ITS CORPORATE OFFICE AT
OFFICE-2, FLOOR 4,5,6,7
WING A, BLOCK A,
SALARPURIA SOFTZONE
SERVICE ROAD, GREEN GLEN LAYOUT
BELLANDUR
BANGALORE -560 103
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR. VIJAY ARORA

...PETITIONER

(BY SMT.MANASI SHARMA FOR
SRI. NITIN RAMESH, ADVOCATES)

AND:

1. STATE OF KARNATAKA
BY NORTH EAST CEN POLICE
BENGALURU – 560 021
2. M/S YES BANK LIMITED
NORTH BLOCK-DB DIVISION


Digitally
signed by R
MANJUNATHA
Location:
HIGH COURT
OF
KARNATAKA



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YES BANK HOUSE
PRABHAT NAGAR
OFF WESTERN EXPRESS HIGHWAY
SANTACRUZ-EAST
MUMBAI - 400055

3. SMT. PADMINI
W/O N. SUNDARAM
AGED ABOUT 60 YEARS
R/AT A-001, PURVA PAVILION
KEMPAPURA, HEBBALA
AMRUTHAHALLI,
BENGALURU - 560 024

...RESPONDENTS

(BY SRI SURYA MUKUNDARAJ, HIGH COURT GOVERNMENT
PLEADER FOR R1;

SRI VIKRAM UNNI RAJAGOPAL, ADVOCATE FOR R2;

SRI ANIL KUMAR.B, ADVOCATE FOR R3 -ABSENT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA R/W SECTION 482
CODE OF CRIMINAL PROCEDURE PRAYING TO QUASH THE
IMPUGNED ORDER IN CR NO.455/2021 PASSED BY THE I
ADDITIONAL CHIEF METROPOLITAN MAGISTRATE DATED
26.10.2021 AT BENGALURU ANNEXURE-A THEREBY
REVERSING THE AMOUNT TRANSFERRED TO THE 3RD
RESPONDENT ACCOUNT BACK TO THE NODAL ACCOUNT HELD
BY THE PETITIONER WITH RESPONDENT NO.2 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA



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ORAL ORDER

This Court has already heard the arguments of learned counsel for the petitioner, learned counsel for respondent No.2 and learned Additional Public Prosecutor.

2. Matter is listed to today for providing a last opportunity to address arguments on behalf of respondent No.3. However, learned counsel for respondent No.3 failed to appear before the Court.

3. Petition is filed by a non-party to the proceedings under Articles 226 and 227 of the Constitution of India r/w Section 482 of the Code of Criminal Procedure with the following prayer:

"(a) Issue a writ of certiorari, quashing the impugned Order in Cr.No.455/2021, passed by the I Additional Chief Metropolitan Magistrate, dated October 26, 2021 at Bengaluru (Annexure-A) thereby reversing the amount transferred to the respondent No.3's account back to the Nodal Account held by the petitioner with respondent No.2.

(b) Issue a writ of mandamus, directing the respondent No.1-Police to undertake proper



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investigation as per the procedures established under law."

4. Case of the present petitioner is that, bank account of the petitioner came to be freezed by the Investigation Agency, though petitioner had no nexus whatsoever with the alleged crime in respect of Crime No.455/2021 registered by North East CEN Crime Police Station, DCP North East Division, Bengaluru City.

5. In Crime No.455/2021 pending on the file of the I Additional Chief Metropolitan Magistrate, Bengaluru, an application came to be filed under Sections 451 and 457 of the Code of Criminal Procedure by the respondent No.3 and said application was allowed by the Order dated 26.10.2021.

Operative portion of the said order reads as under:

"The application filed by the petitioner by name Padmini, W/o N.Sundaram u/S 451 and 457 of Cr.P.C is hereby allowed.

Accordingly, the office is hereby directed to issue intimation to the concerned I.O. to direct the YES Bank to defreeze the amount of Rs.80,000/- from account No.002261100000025 and to transfer the



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*said amount to the account of the petitioner namely
Bank of Baroda Account No.73940100001983.*

*Accordingly, the petitioner is hereby directed to
execute indemnity bond for Rs.80,000/- with a
condition to indemnifying the said amount against
third party claim and shall deposit the said amount
as and when directed by this Court.*

*Office to issue release order after execution of
indemnity bond.*

Put up after final report."

6. Grievance of the present petitioner is that, account of the petitioner got freezed and a sum of ₹80,000/- was taken out from the account of the petitioner and handed over to the complainant who is respondent No.3.

7. Such an order is not only illegal but also without following the principles of natural justice, inasmuch as before passing such an order, petitioner was not notified and had not been heard in the matter.



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8. As such, petitioner prays for setting aside the aforesaid order dated 26.10.2021 and direct the third respondent to re-deposit ₹80,000/- to the account of the petitioner.

9. Learned counsel for respondent No.2 has no objection to pass appropriate orders and Additional Public Prosecutor could not justify the order passed by the learned Trial Magistrate.

10. Having heard the arguments on behalf of the parties, this Court noted that, before passing the order dated 26.10.2021, learned Trial Magistrate ought to have found out as to whose account has been freezed and what amount is drawn from the freezed account to be paid to respondent No.3.

11. Without notifying the petitioner and passing the order dated 26.10.2021 has thus resulted in miscarriage of justice.

12. Hence, the following:

ORDER

(i) Petition ***allowed***.

(ii) The Order dated 26.10.2021 passed in Cr.No.455/2021 on the file of the I Additional Chief



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Metropolitan Magistrate, Bengaluru is hereby
quashed.

(iii) However, the direction with regard to repayment of the amount as per the order dated 26.10.2021 is concerned, petitioner is at liberty to approach the Magistrate seeking suitable direction, including reasonable interest.

(iv) If any such application is filed by the petitioner, same shall be disposed of by the learned Trial Magistrate in a time bound manner, not later than **31st December 2026.**

**Sd/-
(V SRISHANANDA)
JUDGE**

kcm
List No.: 1 Sl No.: 73
CT:VRR