

CRM-M-59209-2023
Date of decision: 23.11.2023

Rai Singh Chouhan and anotherPetitioners

Versus

Union Territory Chandigarh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Jaswal, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for issuance of an appropriate order or direction to the official respondents to decide the representations dated 05.02.2023, 09.08.2023 and 09.09.2023 (Annexures P-3 to P-5, respectively).

On 19.09.2022, petitioner No.1 received a call on his mobile No.9417045988 by someone impersonating himself as client of the petitioner, namely, Jodh Singh of Canada and the caller projected that he is in difficulty because of an accident which had taken place with foreigner and the said foreigner is in serious condition, therefore, he needs help of the petitioners for resolving the matter and for the said purpose, a person, namely, Harpal Singh, alleged to be an Advocate a resident of Mumbai, would contact the petitioners and when he called from his mobile No.7087543461 stated that the matter would be resolved outside the Court and for that purpose, he needs an amount of Rs.1,80,000/- which may be transferred in the Account No.39390189706 in

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the name of Suraj Kumar of Patna-respondent No.5 and believing that the client of the petitioners, namely, Jodh Singh, is in personal difficulty, the petitioner No.1 acting bonafidely, transferred an amount of Rs.90,000/- from his account bearing No.55024548203 of State Bank of India, High Court Branch through PhonePe and the same amount of Rs.90,000/- from the account of petitioner No.2 bearing No.55141061351 of State Bank of India, High Court Branch through PhonePe was transferred. After receiving above mentioned amounts, Harpal Singh who alleged to be an Advocate, again demanded an amount of Rs.2,70,000/- via Google Pay No.8962048953 and on verification, the petitioners came to know that a fraud has been committed with them and thus, they made complaint (Annexure P-1) to police authorities.

Learned counsel for the petitioners contends that they have registered a complaint No.30609220001851 with the Cyber Crime Authorities, Sector 17, Chandigarh on Cyber Crime Portal as the crime of Online Fraud was committed with the them involving an amount of Rs.1,80,000/- (Rs.90,000/- from the account of petitioner No.1 and Rs.90,000/- from the account of petitioner No.2). It is further contended that with the intervention and action taken on the complaint filed by the petitioners, the total amount of Rs.1,80,000/- which was deducted from the respective bank accounts of the petitioners, was put on hold by the Cyber Crime Authorities, as the information received by the petitioners through SMS sent by the National Cyber Crime Reporting Portal. Despite various requests made by the petitioners to Home Branch and even on sending requests on number of occasions by the Cyber Crime Authorities to the concerned Bank i.e. State Bank of India, Branch Patna in which amount was credited, the said amount was put on hold by the Cyber

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Crime Authorities and till date, the same has not been reverted back to the petitioners. Learned counsel further submits that the petitioners have made number of complaints to the Superintendent of Police, Cyber Crime, Chandigarh for taking an appropriate action and reversal of the amount which was put on hold as per the message conveyed by the National Cyber Crime Reporting Portal dated 20.09.2022 and 23.09.2022. Even the mail was also sent to the said authorities as well as the Manager, SBI, Branch Patna, Main City Patna, District Patna, Bihar, for necessary action but despite various efforts, neither the amount has been reversed nor the Incharge of SBI, Branch Patna, has ever responded and in response to the complaint made to the Superintendent of Police, Cyber Crime Chandigarh, the petitioners appeared before the Cyber Crime Cell, Sector 17, Chandigarh and their statement was recorded, thereafter, no action has been taken so far.

Notice of motion.

Mr. Manish Bansal, Addl.P.P., U.T. Chandigarh puts in appearance and accepts notice on behalf of official respondent(s). Copy of the paper book has been supplied.

Learned counsel for the petitioners submits that he would be satisfied in case a direction is issued to the Senior Superintendent of Police, Chandigarh to consider and decide the representation dated 09.08.2023 (Annexure P-4) within a time bound manner.

Keeping in view the limited prayer made by the petitioners and without commenting anything on the merits of the case, the present petition is disposed of with a direction to respondent No.2-Senior Superintendent of Police, Chandigarh to consider and decide the representation dated 09.08.2023

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(Annexure P-4) submitted by the petitioners within a period of four weeks from the date of receipt of certified copy of this order. The decision so taken, be conveyed to the petitioners forthwith.

A copy of this order be given to the learned State counsel for necessary information and its compliance.

(HARPREET SINGH BRAR)
JUDGE

23.11.2023
Neha

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No