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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 13.02.2024

+ W.P.(CRL) 493/2024, CRL.M.A.4504/2024

DR. RENU

..... Petitioner

Through: Mr.Deepak Jakhar, Advocate with
petitioner in person.

versus

STATE OF KARNATAKA AND ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

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J U D G M E N T

ANOOP KUMAR MENDIRATTA, J (ORAL)

CRL.M.A. 4505/2024

Exemption allowed, subject to just exceptions.

Application stands disposed of.

W.P.(CRL.) 493/2024, CRL.M.A. 4504/2024

1. Petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioner for defreezing of petitioner's bank accounts, in pursuance to registration of FIR No. 679/2023 at PS: Madanayakanahally, Bengaluru Rural District, Karnataka, under Sections 406/420/465/471 read with Section 34 IPC and Sections 66C and 66D of the Information Technology Act, 2000.

2. In brief, as per the case of the petitioner, she is a Doctor by profession,



presently residing in Delhi and used to run an Ayurvedic clinic named as Tirupati Ayurvedic Clinic. The said business was closed by her in the month of July 2023 along with relevant account (Account No.629805501306) operated in ICICI Bank, Rohini Branch. Subsequent to the closure of account, an amount of Rs. 30,500/- was received on 13.07.2023 directly in her bank account, which was found to be an anonymous transaction. The said transaction was marked by respondent No.1 as a fraudulent transaction.

3. It is further the case of the petitioner that FIR No. 679/2023, under Sections 406/420/ 465/471 read with Section 34 IPC and Sections 66C and 66D of the Information Technology Act, 2000, was registered at PS: Madanayakanahally, Bengaluru Rural District, Karnataka, on complaint of one Ms. Varsha Rani, W/o Prasanth (Complainant), who stated that she is a Director of a company namely M/s. Omkar Pro Building Products Pvt. Ltd. and has been cheated by one Prakash ML (Accused No.1) and Manoj (Accused No.2) to the tune of Rs. 15,10,500/-, alongwith one Ashish Roy and Prathmesh. As per petitioner, she has no connection with any of the accused except Prathmesh, who is her son.

4. Learned counsel for the petitioner submits that petitioner received a notice under Section 41A Cr.P.C. from respondent No. 1 to join investigation in the said case and to provide explanation for the alleged transaction of Rs.30,500/- in ICICI Bank account, referred to above. Thereupon petitioner assured to rectify the transaction and reimburse the funds to the rightful source account, since the transfer was without her knowledge.

5. The grievance of the petitioner is that respondent No. 1 vide notice dated 29.11.2023 directed the Nodal Officer of IDFC Bank, wherein petitioner maintains an account, to freeze the said account, as informed to her



through email dated 08.12.2023 and 09.12.2023. Similar action is stated to have been initiated by respondent No. 1 in respect of her other accounts maintained in HDFC Bank & Axis Bank.

6. Apparently, the FIR in the case stands registered in Bengaluru, but jurisdiction of this Court is sought to be invoked, since Banks of petitioner are situated in Delhi. To invoke the writ jurisdiction of this Court, reliance is placed by learned counsel for petitioner on *Union of India vs. Sanjiv Chaturvedi and Ors.*, SLP (C) No. 530/2022 decided on 03.03.2023 by Hon'ble Supreme Court of India.

7. In *Union of India vs. Sanjiv Chaturvedi and Ors (supra)*, OA preferred by respondent No. 1 before Nainital Circuit Bench, CAT was transferred under Section 5/25 of Administrative Tribunals Act, 1985 by Chairman, Principal Bench, Delhi to the Principal Bench, Delhi. The said order was challenged by respondent No. 1 before High Court of Uttarakhand, and the same was set aside. Aggrieved by the same, the order of High Court was challenged by Union of India by preferring SLP and it was submitted that High Court of Uttarakhand erred in entertaining the writ petition as no cause of action arose within territory of Uttarakhand High Court. Reliance was further placed upon *L. Chandra Kumar vs. Union of India*, (1997) 3 SCC 261 and *Union of India vs. Alapan Bandyopadhyay*, (2022) 3 SCC 133, wherein, it was held that decisions of tribunals created under Article 323A and 323B of the Constitution of India will be subject to scrutiny before a Division Bench of the High Court, within whose jurisdiction the Tribunal falls.

On the other hand, it was contended on behalf of respondent that under Article 226(2) of the Constitution of India any High Court may exercise



jurisdiction Article 226 provided a part cause of action has arisen in its jurisdiction irrespective of whether the authority or Government, which passed the order is not located within the jurisdiction of said High Court.

The Hon'ble Apex Court considering that the issue involves large number of employees and is of public importance in respect of orders passed by Chairman, CAT, Principal Bench, Delhi, directed that the same be placed for consideration of Larger Bench. Observations in this regard may be beneficially reproduced :

“6. Regard being had to the important issue raised by Shri Shyam Divan, learned Senior Advocate appearing on behalf of respondent No. 1 and the submissions made by Shri Tushar Mehta, learned Solicitor General and having gone through the judgment(s) and order(s) passed by this Court in L. Chandra Kumar (supra) and Alapan Bandyopadhyay (supra) and that the issue involved is with respect to the territorial jurisdiction of the High Courts and the effect of introduction of Article 226(2) of the Constitution of India and the statement of the Law Minister while introducing Article 226(2) of the Constitution referred to hereinabove and that the issue involved affects a large number of employees and is of public importance, we think it appropriate that the matter involving the issue of territorial jurisdiction of the concerned High Court to decide a challenge to an order passed by the Chairman, CAT, Principal Bench, New Delhi should be considered by a Larger Bench. Let the registry place the matter before the Chief Justice of India for appropriate orders at the earliest so that the aforesaid issue is resolved at the earliest.”

8. It is well settled that this Court may exercise the jurisdiction under Article 226 of the Constitution of India, in respect of person, authority or Government, which falls within the territory of this Court or where the cause of action arises, whether wholly or in part, within jurisdiction of this Court.

However, so far as present case is concerned, it may be noticed that the FIR in question has been registered at PS: Madanayakanahally,



Bengaluru Rural District, Karnataka and the cause of action arose at Bengaluru. Only the consequential action with reference to the freezing of accounts of petitioner, at Delhi, pursuant to directions issued by Investigating Agency at Bengaluru cannot be deemed to extend the jurisdiction of this Court.

Petition is accordingly dismissed for want of territorial jurisdiction, with liberty to the petitioner to approach the appropriate forum / Court at Bengaluru.

Nothing stated hereinabove shall tantamount to expression of opinion on the merits of the case.

Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

FEBRUARY 13, 2024/R