



2024:DHC:5949



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of Decision: 29.07.2024

+ **W.P.(CRL) 1473/2024**

ACCUPAYD TECH PVT LTD Petitioner
Through: Mr.Anuj Agarwal, Mr.Surat Jain and
Mr.Navneet Rajan, Advocates.

Versus

HOME SECRETARY, MINISTRY OF HOME
AFFAIRS GOVERNMENT OF INDIA, & ORS Respondents
Through: Mr. Anurag Ahluwalia, CGSC for
UOI with Mr. Kaushal Jeet Kail, GP
and Mr. Satyendra Gupta, CLE.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of the present petition, the petitioner seeks the following prayers:

I. Issue a writ of Quo Warranto or any other appropriate writ, direction, or order to Respondent Number 1-7 quashing their illegal and unauthorised orders about debit freezing Petitioner's Bank Accounts.

II. Issue a writ of Mandamus or any other appropriate writ, direction, or order and order Respondents Number 8 and 9, to defreeze and unblock debit freeze from Petitioner's Bank Account Number 777705965965, at ICICI Bank, at its branch at Madurai, and bank account number 61663500000042, at YES Bank, at its branch at Madurai.

W.P.(CRL) 1473/2024

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Page 6 of 6
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2024:DHC:5949



2. At the outset, the counsel for respondent questions the maintainability of the present petition.
3. It is the case of the petitioner that the petitioner is Domestic Money Transfer (DMT) provider that operates as a Banking Correspondent (BC) to partner banks in India. It has been stated by the petitioner that on a cybercrime complaint by some complete strangers, 14C (Indian Cyber Crime Coordination Centre,) a division of Ministry of Home Affairs, Government of India, that is Respondent No. 2, by their arbitrary and illegal orders issued between 16.03.2024 -15.04.2024 respectively instructed Cyber PS at Tanuku Rural, West Godavari, Andhra Pradesh and other Respondents/R-4 to R-7 to debit freeze bank accounts of the petitioner. It is further stated that 14C has launched a fishing and roving inquiry against the petitioner and debit frozen their bank accounts operation, violating fundamental right to carry on the business and profession of the petitioner.
4. Learned counsel for respondent No. 1 and 2, while replying to the contentions made by the petitioner, firstly questions the maintainability of the present writ petition by contending that neither the petitioner is based in the jurisdiction of this court nor the bank accounts which have been frozen are located in jurisdiction of this Court. It is stated that though the said bank accounts are located in several different jurisdictions pertaining to the States of Karnataka, Haryana, West Bengal, Uttar Pradesh, Tamil Nadu, Maharashtra among others, still, the present petition is premised in current jurisdiction only because Respondent No. 1 and 2 are based in Delhi. Further, learned counsel for the respondent No. 1 and 2 submits that respondent No. 2 is just the coordinating authority and have nothing to do with freezing of the bank accounts of the petitioners. It is further stated that



Indian Cyber Crime Coordination Centre merely provides a platform for reporting of complaints and has neither issued any direction/order to freeze petitioner's bank accounts nor have any intervention in the investigation and functioning of Law Enforcement Agencies of States/UTs to freeze or defreeze bank accounts involved in cybercrime. In lieu thereof, the respondent places reliance on Para 3 and 4 of his reply, which has been reproduced below:

“3. That it is reiterated that the Respondent No.2 only provides a platform for the reporting of complaints and does not have any administrative control for jurisdiction over the functioning of Law Enforcement Agencies of respective states to act on the complaints. The Respondent No.2 coordinates with the stakeholders, including Law Enforcement Agencies of respective States from time to time, on the issues relating to the functioning of Portal and technical issues.

4. That the present petition is related to complaints reported on the NCRP, which were automatically assigned to the States of Maharashtra, Haryana, Andhra Pradesh, Tamil Nadu & Chhattisgarh. The following two bank accounts of the petitioners have been frozen by the Law Enforcement Agencies of the above-mentioned States, the details of which are as follows:-

- a. Account bearing No.777705965965 maintained with ICICI Bank, Madurai Branch, Tamil Nadu.*
- b. Account bearing number 061663500000042 Yes Bank, Madurai Branch, Tamil Nadu.”*

5. I have heard the submissions made by the learned counsel for the parties and perused the record.

6. In light of the above submissions, it is axiomatic that the respondent Nos. 1 and 2 have nothing to do with the freezing of the bank accounts of the petitioner. It can be seen that there has been no communication or direction/order placed on record by the petitioner to substantiate the claim



that freezing of the bank account, as alleged by the petitioner, was done at the direction of respondent No. 2. Additionally, the petitioner has taken no steps to provide information as to on whose directions freezing has been carried out. The petitioner has only placed on record the screenshots of complaint details, which they claim were obtained from the respondent bank regarding the freezing of accounts. Also, there has been no other material to support the contention of the petitioner. Furthermore, the petitioner's contention that the freezing of the bank account has been carried out by the respondent No. 2, does not hold water in absence of any record or communication to unveil the assertion.

7. As far as the maintainability of this writ petition is concerned, the petitioner approached this court premising jurisdiction on the location of respondent No. 1 and 2 being in the current jurisdiction. However, neither any cause of action nor any part of it has arisen within the jurisdiction of this court.

The scope of Article 226(2) of the Constitution of India came to be analysed in depth in Kusum Ingots & Alloys Ltd. v. Union of India and Another reported as (2004) 6 SCC 254, where the Supreme Court observed thus:-

“9. Although in view of Section 141 of the Code of Civil Procedure the provisions thereof would not apply to writ proceedings, the phraseology used in Section 20(c) of the Code of Civil Procedure and clause (2) of Article 226, being in pari materia, the decisions of this Court rendered on interpretation of Section 20(c) CPC shall apply to the writ proceedings also. Before proceeding to discuss the matter further it may be pointed out that the entire bundle of facts pleaded need not constitute a cause of action as what is necessary to be proved



before the petitioner can obtain a decree is the material facts. The expression material facts is also known as integral facts.

10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.

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16. In Union of India v. Adani Exports Ltd. it was held that in order to confer jurisdiction on a High Court to entertain a writ petition it must disclose that the integral facts pleaded in support of the cause of action do constitute a cause so as to empower the Court to decide the dispute and the entire or a part of it arose within its jurisdiction.

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18. The facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be granted. Those facts which have nothing to do with the prayer made therein cannot be said to give rise to a cause of action which would confer jurisdiction on the Court.

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27. When an order, however, is passed by a court or tribunal or an executive authority whether under provisions of a statute or otherwise, a part of cause of action arises at that place. Even in a given case, when the original authority is constituted at one place and the appellate authority is constituted at another, a writ petition would be maintainable at both the places...

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Forum conveniens

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens. [See Bhagat Singh Bugga v.



2024:DHC:5949



Dewan Jagbir Sawhney, Madanlal Jalan v. Madanlal, Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd., S.S. Jain & Co. v. Union of India and New Horizons Ltd. v. Union of India.]”

8. In the present case, no part of cause of action, much less material cause of action, has arisen within the territorial limits of this court.
9. In view of the factual matrix and material perused and in absence of anything more concrete to show that the impugned action was taken on the directions of respondent No. 1 & 2, this court is of the opinion that it does not have territorial jurisdiction to decide the case under Article 226 of the Constitution of India. Also, the question as to whether the present case falls within the narrow category of cases where it was appropriate to invoke the doctrine of *forum conveniens* or not, and other contentions raised, need not be gone into.
10. Accordingly, the present petition stands dismissed.

MANOJ KUMAR OHRI
(JUDGE)

JULY 29 , 2024/rd