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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2460/2024 & CRL. MA 23982/2024

PRAHALAD BHARGAVA & ANR.

.....Petitioners

Through: Ms. Pratiksha Tripathi, Mr. Anil Sangman and Mr. Divyesh Pratap Singh, Advocates.

versus

UNION BANK OF INDIA & ORS.

.....Respondents

Through: Mr. Rahul Tyagi, ASC (Crl.) for the State with Mr. Hardeep Singh, Mr. Ajay Kumar, Ms. Aakriti Nautiyal, Ms. Yukti Makan, Mr. Moiz Elahi and Mr. Abhishek Tomar, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

14.08.2024

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1. By way of present petition filed under Article 226 of the Constitution of India, the petitioners seek the following relief(s):

“(a) Issue a Writ or order or directions in the nature of Mandamus or any other appropriate writ directing the Respondent No. 1 to forthwith de-freeze the Bank Account of the Petitioners and to act in accordance with law; and/or

(b) Issue a Writ or order or directions in the nature of Mandamus or any other appropriate writ directing the Respondent No. 3 to forthwith and/or immediately withdraw and/or cancel notice dated 08.01.2024 issued to Respondent No. 1 and to act in accordance with law; and/or

(c) Issue a Writ or order or directions in the nature of Mandamus or any other writ appropriate directing the Respondent No. 3 to compensate the Petitioners in lieu of untold hardship caused by them to the Petitioners..”

2. The petitioners have knocked the door of this Court on the premise



that the investigation has been carried out by P.S. Lanka, Varanasi, U.P. in Case Crime/FIR No.17/2024 registered under Sections 406/420/120B-B IPC. On the asking of the Investigating Officer, the petitioners bank account in Union Bank of India, Sarojini Nagar Market Branch, New Delhi has been frozen and the petitioners now seek de-freezing of the said account.

3. On the issue of maintainability of the instant petition, learned counsel for the petitioners states that the cause of action has partly arisen in the jurisdiction of this Court as the prayer has been made for de-freezing of the petitioners' said bank account which is located in Delhi. In support of her submissions, learned counsel for the petitioners relies upon the decisions in Sri Parthibhan v. The Chief Secretary &Ors., [decision dated 13.02.2024 passed in **W.P. No.24718/2023**]; JayaswalsNeco Limited v. Union of India & Others, **2007 SCC OnLine Del. 2094**; Teamz Consultancy Service v. State of West Bengal &Ors. (decision dated 24.11.2022 passed in **W.P.A.No.22763/2022**) and State of Goa v. Summit Online Trade Solutions (P) Ltd., **(2023) 7 SCC 791**.

4. Mr. Rahul Tyagi, learned ASC (Crl.) for the State, who is present in the Court and has assisted the Court with the merits of the present case, refers to the order dated 15.07.2024 passed by the Additional Chief Judicial Magistrate, Varanasi. The said order came to be passed on an application preferred by the petitioner No.2 for a similar relief. Vide said order, the Additional Chief Judicial Magistrate, Varanasi has observed that the case pertains to a sale transaction of an immovable property, wherein the allegations against the petitioners are of receiving certain amounts which have been transferred to the present bank account of the petitioners. A bare reading of the aforesaid order would also indicate that the request for freezing of the bank account has been made by the I.O. either in the case registered at Varanasi in Case Crime No.17/2024 under



Sections 406/420/120B-B IPC at PS Lanka, Varanasi, U.P or on the request of the Cyber Cell Police Station at Asansol, Durgapur.

5. The impugned action of freezing the petitioner's accounts is done in a criminal investigation carried out by the concerned police officials either in Varanasi/Asansol. As the Sections invoked, the case being investigated relates to offence of cheating and breach of trust. During the course of hearing, it is informed that the cheated amount has travelled to the subject bank account which are lying blocked. The petitioner has already approached the district court at Varanasi. In view of the aforesaid facts and circumstances, this Court finds that it has no jurisdiction over either of the aforesaid places to entertain the present petition and the same is accordingly dismissed along with pending application. The petitioner shall be at liberty to seek its remedy in the jurisdictional Court.

DASTI

MANOJ KUMAR OHRI, J

AUGUST 14, 2024/*rd*