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

+ W.P.(CRL) 3145/2024

NEERAJ KUMARPetitioner

Through: Mr. Ashesh Lal, Advocate.

versus

GOVERNMENT OF NCT OF DELHI THROUGH SHO & ORS.

.....Respondent

Through: Mr. Rahul Tyagi, ASC.

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

% **08.10.2024**

1. The instant writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the petitioner seeking the following reliefs:

- “a) Quash the direction issued by the Respondent No.3 to freeze the Bank Account of the Petitioner by Respondent No.2.*
- b) Direct the Respondent No.2 to unfreeze the Petitioner's Savings Bank Account No.100020494620 being maintained with Indusind Bank, B-8, Gujranwala Town Branch, Delhi-110009.*
- c) Pass such other and further order as this Hon'ble Court deems fit and proper in the interest of justice.”*

2. Learned counsel appearing on behalf of the petitioner submitted that the instant petition has been filed seeking quashing of the direction issued by the respondent no.3 to the respondent no.2 to freeze the petitioner's Bank Account and also for direction to the respondent no.2 to unfreeze the petitioner's Savings Bank Account No.100020494620 maintained with Indusind Bank, B-8, Gujranwala Town Branch, Delhi-110009.



3. It is submitted that the action taken by the respondents of freezing the petitioner's bank account is without any basis and the said action is legally unsustainable. It is also submitted that whatever complaint has been received by the concerned Bank, no ground for freezing the petitioner's bank account is made out. It is further submitted that the complaint is with regard to the transaction of only Rs.4,000/-, done on 3rd June, 2024 and the said bank account has a balance of Rs.3,72,000/- and, therefore, if any case is made out for freezing, it is only to the extent of Rs.4,000/-.

4. It is submitted that since the illegal action of the respondents of freezing the bank account is also a violation of Article 21 of the Constitution of India as this a matter of livelihood of the petitioner, this Court may interfere by passing appropriate directions and issuing appropriate writ to the respondents no. 2 and 3 to unfreeze the entire amount in the aforesaid bank account, which was admittedly done without any legal basis.

5. *Per contra*, learned Additional Standing Counsel appearing on behalf of the State vehemently opposed the instant writ petition. It is submitted that the cause of action arose in the State of Gujarat as the respondent Bank froze the bank account of the petitioner on the direction issued by the Superintendent of Police, State Cyber Crime Cell, CID Crime, Gandhi Nagar, Gujarat, therefore, this Court does not have the jurisdiction to entertain the instant writ petition. In support of his submission, he referred to the document filed as Annexure P-1 to the instant petition. It is submitted that the petitioner himself had made a representation to the Superintendent of Police, State Cyber Crime Cell, CID Crime, Gandhi Nagar, Gujarat for the purposes of de-freezing as well for withdrawing the direction of freezing his bank account.



6. It is also submitted that whatever grounds taken may not constitute as legally tenable grounds for issuance of writ of mandamus or any other writ to unfreeze the petitioner's bank account as the respondent Bank has acted upon only on the directions of the investigating agency. Thus, it is prayed that the captioned writ petition may be dismissed on merits as well as on the ground of lack of jurisdiction.

7. Heard the learned counsel appearing on behalf of the parties and perused the material available on record.

8. It is pertinent to mention herein that admittedly, the investigating agency is State Cyber Crime Cell, CID Crime, Gandhi Nagar, Gujarat and in light of the said admitted fact, this Court is of the considered view that it does not have the territorial jurisdiction to adjudicate upon the reliefs sought by the petitioner herein, and therefore, this Court has no territorial jurisdiction to adjudicate the instant petition.

9. In view of the observations made by this Court in the foregoing paragraphs, the captioned writ petition stands dismissed on the ground of lack of jurisdiction.

10. It is made clear that this Court has not made any expression on the merits of the case and the petitioner is at liberty to approach the appropriate forum in accordance with law.

11. Pending applications, if any, also stands dismissed.

CHANDRA DHARI SINGH, J

OCTOBER 8, 2024

NA/ryp

Click here to check corrigendum, if any