

03-09-2025  
Item No.23  
Subrata  
Bhattacharyya  
AR(C)

**IN THE HIGH COURT AT CALCUTTA**  
CONSTITUTIONAL WRIT JURISDICTION  
Appellate Side

**WPA No.8238 of 2025**  
**Mabhavi Software Private Limited**  
**-vs-**  
**ICICI Bank Limited & Ors.**  
**with**  
**CAN No.1 of 2025**

Mr. Suddhasatva Banerjee  
Mr. Rabindra Kumar Mitra  
Mr. Nishant Shukla ...for the petitioner

Ms. Soni Ojha ...for ICICI Bank

Mr. Debabrata Das  
Mr. A. Sarkar  
Mr. Pratik Acharjee  
...for the Reserve Bank of India

1. Report in the form of affidavit filed by ICICI Bank in Court be taken on record.
2. The petitioner prays for de-freezing the bank account which stood frozen by the bank upon instructions from the police.
3. Specific submission of the petitioner is that the police do not have any authority to direct the bank to freeze the bank account of the petitioner which has a balance amount of nearly Rs.12.50 crore.
4. Judgment delivered by an Hon'ble Division Bench of this court dated January 7, 2020 in FMA NO.74 of 2020 with CAN No.1458 of 2018 (Rina Habiba v. The Bank of India & Ors.) has been relied upon in support of the submission that ordinarily a bank cannot act on the basis of a

stray complaint of a cooperative society or like organization and freeze the account of a constituent. At the very highest, the bank may put the constituent on notice that it has received complaints or the bank may call upon the complainant to obtain an appropriate freezing order from a forum duly authorised to pass such an order. In the absence of a bank either having a claim against the constituent or a lien on the bank account or the bank being obliged to obey any instructions of the Central Bank or any order of Court, a bank cannot freeze any account of its constituent for any period at all.

5. Reliance has also been placed on an order dated May 10, 2024 passed in WPA No.11057 of 2024 with CAN No.1 of 2024 (Dr. Sunip Banerjee v. The State Bank of India & Ors.) wherein a coordinate Bench of this Court held that without any Court order or any order passed by any authorized forum in due process of law directing freezing of the accounts of the holder, the bank ought not to freeze the account of its customers.
6. Prayer has been made to direct the bank to defreeze the bank account or in the alternative direct the petitioner to submit indemnity/security before the bank relying on which the bank may permit the petitioner to operate the bank account.
7. On perusal of the affidavit filed by the bank, it appears that in respect of the bank account of the petitioner, there are several complaints pending with intimation sent from different police stations for freezing of the account of the petitioner. Notices issued under section 91 CrPC in response to the complaint lodged against cheating and unauthorized transactions are annexed to the

said report. Police have mentioned in the said notice that the amount cheated was found to be settled in the bank account of the petitioner. The details of the FIR number are also disclosed in the affidavit. It appears that NDPS case where the bank account of the petitioner has been found to be involved is also disclosed in the affidavit. The figures involved appear to be of high denomination.

8. Though the learned counsel for the petitioner submits that relying on a complaint from the complainant, the bank ought not to freeze the bank account of a customer as held by the Court in the matter of Rina Habiba (supra) and Dr. Sunip Banerjee (supra), but in the instant case request has been made by the police which is the competent investigating agency in response to a complaint lodged.
9. The request to the bank for freezing was not made by any complainant directly but by the law investigating agency. The account of the petitioner was found to be involved in several fraudulent transactions. The police are investigating the case. There is every possibility that the proceeds of crime may be parked in the petitioner's bank account. Dealings under the NDPS Act were also found to be involved. Police are investigating the case. At this stage it will be highly improper to direct the bank to de-freeze the bank account after noticing the several complaints lodged against the bank account maintained by the petitioner.
10. As the details of the case pursuant to which the request for freezing was made by the police are disclosed in the affidavit, it will be open for the

petitioner to approach the competent forum for obtaining the order for de-freezing the bank account.

11. This court is not inclined to exercise its jurisdiction in this writ petition.
12. The writ petition fails is hereby dismissed.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
14. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]