

ML 09
03.03.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 27277 of 2024

**Ganapati Traders & Anr.
-versus-
The Union of India & Ors.**

**Md. Sarwar Jahan,
Ms. Tapati Sarkar.
...For the Petitioners.**

**Mr. Samir Kumar Dutta,
Mr. Jasojeet Mukherjee.
...For UOI.**

**Mr. Jit Roy,
Mr. Debraj Sinha,
Mr. Samiddha Mondal.
...For the Respondent
Nos. 6 and 7.**

1. The petitioners pray for de-freezing the Bank account which stood frozen because of reporting of multiple fraudulent transactions by the Cyber Crime Police Station, Yamuna Nagar, Haryana.

2. From the documents submitted by the learned advocate appearing on behalf of the Bank, it appears that a case bearing reference NCRP Complaint No.31309240052280 dated 25/09/2024 was filed before the Cyber Crime, Police Station Yamuna Nagar.

3. The petitioners were issued notice under Section 94 Bharatiya Nagarik Suraksha Sanhita for production of documents.

4. The Bank was directed to freeze the Bank Account as there were multiple cyber complaints received against the account holder. The amount involved mentioned in the instruction forwarded by the Bank is Rs.8,85,676/-.

5. Learned advocate appearing on behalf of the petitioners has annexed the passbook of the Bank to show that there is Rs.45,21,769/- as balance in his account as on 4th October, 2024.

6. Prayer has been made to permit the petitioners to use the balance in the subject account barring the amount that has been found to be involved in the fraudulent transactions.

7. The Court is not aware as to whether the entire or a major portion of the amount in the petitioners' account is involved in any further fraudulent transaction or not. If permission is granted to defreeze the account, the balance amount will be wiped off. The police are already investigating into the crime. The petitioners have been directed to produce documents. Allowing the prayer of the petitioners to defreeze the account may give rise to further legal complications.

8. It will be open for the petitioners to approach the learned Court where the criminal complaint case against the petitioners' bank account is pending. No relief can be granted to the petitioners in the instant writ petition.

9. The writ petition stands dismissed.

10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)