

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.4718 OF 2025

Hanumante Traders,	]	
Through its Proprietor : Kailashchand Dev	]	
Shri Karan, having office at Girgaon, Mumbai	]	.. Petitioner
Versus		
1. The State of Maharashtra,	]	
Through the Id. Public Prosecutor, Mumbai	]	
2. J.D. Parmar, Police Inspector,	]	
Cyber Crime Police Station,	]	
Vadodara City, Gujarat	]	
3. Shalini Sahakari Bank Ltd.,	]	
Through the Branch Manager,	]	
Chinchpokli, Mumbai.	]	
4. Commissioner of Police,	]	
Police Commissioner Office,	]	
Vadodara City, Gujarat	]	.. Respondents

Mr. Karansingh Rajput with Mr. Rajiv Mehta and Mr. Devam Singh, Advocates, i/by Vashi and Vashi, for the Petitioner.

Ms. M.M. Deshmukh, Acting Public Prosecutor for Respondent Nos.1, 2 and 4.

**CORAM : SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE : 17TH SEPTEMBER 2025.

Per, Shree Chandrashekhar, C.J.

The following prayers have been made in this Writ Petition :

- "a) *This Hon'ble Court be pleased to issue an appropriate writ, order, or direction to quash the Impugned Notices dated August 30, 2025 and September 1, 2025 issued by Respondent No.2;*
- b) *This Hon'ble Court be pleased to pass an order of injunction, restraining Respondent No.3 (The Shalini Sahakari Bank Ltd.) from disclosing, divulging, or parting with any information or documents pertaining to the Petitioner's bank account bearing Account No.000201700003220, or any other account held by the Petitioner with Respondent No.3, to any third party or investigating agency, including Respondent No.2;*
- c) *This Hon'ble Court be pleased to issue an order restraining the Respondent authorities and any other entities from taking any*

- action against the Petitioner, without affording the Petitioner an opportunity to be heard;*
- d) This Hon'ble Court be pleased to direct Respondent No.3 Bank to not disclose sensitive and confidential information pertaining to the bank account of the Petitioner;*
 - e) This Hon'ble Court be pleased to restrain the Respondent No.2 from passing any coercive directions and/or orders against the representatives, directors, and/or personnel of the Petitioner;*
 - f) During the pendency and final disposal of this petition, this Hon'ble Court be pleased to:*
 - i. This Hon'ble Court be pleased to issue an order restraining the Respondent authorities and any other entities from taking any action against the Petitioner, without affording the Petitioner an opportunity to be heard;*
 - ii. This Hon'ble Court be pleased to pass an order of injunction, restraining Respondent No.3 (The Shalini Sahakari Bank Ltd.) from disclosing, divulging, or parting with any information or documents pertaining to the Petitioner's bank account bearing Account No. 000201700003220, or any other account held by the Petitioner with Respondent No.3, to any third party or investigating agency, including Respondent No.2; and*
 - iii. This Hon'ble Court be pleased to restrain the Respondent No.2 from passing any coercive directions and/or orders against representatives, directors, and/or personnel of the Petitioner;*
 - g) This Hon'ble Court be pleased to pass any ad-interim relief in terms of prayer clause (f) above; and*
 - h) Pass any such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case as well as in the interest of justice."*

2. The petitioner is represented through its Proprietor, namely, Kailashchand Dev Shri Karan who is residing at Girgaon, Mumbai. The petitioner has made the Police Inspector of Cyber Crime Police Station, Vadodara City within the State of Gujarat and Shalini Sahakari Bank Limited situated at Adarsh Nagar, Chinchpokli, Mumbai as party-respondents in this Writ Petition. The petitioner seems to be aware of registration of a First Information Report (for short, "FIR") bearing No.33 of 2025 lodged on 28th August 2025 alleging commission of the offence under sections 54, 61(2) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 and section 66-D of Information Technology Amendment Act, 2008 against unknown. The aforesaid FIR has been lodged on the allegation that the Informant was induced to invest money on the promise of exorbitant assured returns and the money collected from him has

been transferred under the petitioner's credit investment scheme which ultimately turned out to be a fraudulent transaction. In connection to the said FIR, a notice dated 30th August 2025 was issued to the respondent no.3-Shalini Sahakari Bank Limited which, according to the petitioner, has been issued purportedly under section 94 of the Bharatiya Nagrik Suraksha Sanhita, 2023 and section 63 of the Bharatiya Sakshya Adhiniyam Act, 2023. Through the notice dated 30th August 2025, the Branch Manager/Nodal Officer of the respondent no.3-Bank has been directed to furnish extensive and sensitive information pertaining to the petitioner's Bank account bearing No.000201700003220. On 1st September 2025, a second notice was issued to the respondent no.3-Bank directing it to disclose the confidential and private information pertaining to the petitioner's Bank account maintained with the said Bank. The learned counsel for the petitioner raises an argument on "right to privacy" and submits that the petitioner who is not named in the FIR cannot be compelled to disclose personal informations relating to his commercial transactions. The learned counsel for the petitioner further submits that, at best, the amount of Rs.6,00,000/- which is allegedly transferred to the petitioner's Bank account can be put on hold and the petitioner or its Banker cannot be compelled to divulge any other information.

4. The expression "inquiry" which is to be found under section 2(k) of the Bharatiya Nagrik Suraksha Sanhita, 2023 is to mean every inquiry, other than a trial, conducted under this Sanhita by a Magistrate or the Court. In the present case, the FIR has already been lodged and as understood in legal parlance, the powers of the Investigating Officer extend to summoning any person to give his statement or produce a document. This is also quite well

established law that the Court has no powers to interfere with the investigation and this is the power of the Investigating Officer to conduct investigation as per the procedure laid down under the Bharatiya Nagarik Suraksha Sanhita, 2023. We have also this in our mind that the menace of cyber crime is spread across the globe and created serious problems to the financial stability of the country. The extent of cyber crime in India has gone to such a magnitude that thousands of persons are arrested every year for committing cyber crime. The exact number of victims is perhaps unknown to the police and the Investigating Agency as well. Many of the poor persons who are the victims of cyber crime do not approach the police. The argument raised on behalf of the petitioner that seeking information relating to his Bank account bearing Nos.000201700003220 (Shalini Sahakari Bank Ltd.) and 051861900000982 (IFSC : YESB0000518) (YES Bank) violates his right of privacy cannot be countenanced in law. This is the duty of every citizen of this country and as mandated as well under the Bharatiya Nagarik Suraksha Sanhita, 2023 to provide all informations to the police / investigating agency relating to a crime whenever so summoned. The provisions of section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023 provide as under :-

“94. Summons to produce document or other thing.-

(1) Whenever any Court or any officer in charge of a police station considers that the production of any document, electronic communication, including communication devices, which is likely to contain digital evidence or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Sanhita by or before such Court or officer such Court may issue a summons or such officer may, by a written order, either in physical form or in electronic form require the person in whose possession or power such document or thing is believed to be, to attend

and produce it, or to produce it, at the time and place stated in the summons or order.

- (2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.*
- (3) Nothing in this section shall be deemed-*
 - (a) to affect sections 129 and 130 of the Bharatiya Sakshya Adhinivam, 2023 or the Bankers' Books Evidence Act. 1891 (13 of 1891): or*
 - (b) to apply to a letter, postcard, or other document or any parcel or thing in the custody of the postal authority.”*

6. The information relating to the Bank accounts in which subsequent transactions have been made, after the fraudulent deposits were made, is very necessary in the face of a possible further transaction to another account. In that context, having regard to such urgency, it is necessary that the 3rd respondent-Shalini Sahakari Bank Ltd. should disclose the informations forthwith to the 2nd respondent-Police Inspector, Cyber Crime Police Station, Vadodara City, Gujarat.

7. In view of the aforesaid, we do not find any merit in this Writ Petition and Criminal Writ Petition No. 4718 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]