IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

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THE HONOURABLE **Mr.JUSTICE N. ANAND VENKATESH**

W.P.No.24931 of 2025

B.Seenivasan .. Petitioner

Vs.

1.National Cyber Crime Centre
Rep.by its Secretary
Ministry of Home affairs
Government of India, New Delhi-110001.

2.The Authorized Officer
Banking Customer Help Desk
HDFC Bank Ltd., 1st Floor, Empire Plaza-1,
L.B.S.Marg, Chandan Nagar
Vikhroli West, Mumbai 400083.

3.The Assistant Vice President/Branch Manager
HDFC Bank Ltd.,
Sivakasi Branch, Madurai Circle
No.5, Velayudham Road
Sivakasi, Tamilnadu 626123.

4.The Inspector of Police
CCD-I, Chennai South
Chennai 600016. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent bank to remove the Lien marked on petitioners savings account bearing account No.50100653840515 maintained with the 3rd respondent bank.

For Petitioner : Mr.C.Santhosh Kumar

For Respondents : Mr.V.Chandrasekaran, CGSC for R1

Mr.C.Mohan
Ms. A.Rexy Josephine Mary
Mr.M.Kumaresan
for M/s.King & Partridge
for R2 & R3

Mr.V.Meganatha
Government Advocate (Crl.Side) for R4

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 3rd respondent to remove the lien marked on the petitioner's savings account bearing account No.50100653840515 maintained with the 3rd respondent bank.

2.When the matter was taken up for hearing on 24.7.2025, this Court passed the following order:

> When the matter was taken up for hearing today, learned Standing Counsel appearing on behalf of the third respondent submitted that based on the instructions received from Cyber Crime Police Station, Lucknow, Uttar Pradesh, a lien was marked in the bank account of the petitioner to the tune of Rs.6,19,351/-, whereas the total amount that is available in the bank account of the petitioner is Rs.10,87,263/-.

2. Learned counsel for petitioner submitted that the petitioner himself is a victim in this case and he has given a complaint before the fourth respondent, which is being enquired in CSR No.257/25. Therefore, it was contended that the petitioner, apart from being the victim, is also now prevented from operating the bank account.

3. Learned Government Advocate [Crl.side] appearing on behalf of the fourth respondent submitted that the complaint given by the petitioner has been taken on file in CSR No.257/25 and the same is under enquiry.

4. Learned Senior Panel Central Government Standing Counsel appearing on behalf of the first respondent seeks for some time to take instructions in this case.

5. Considering the facts and circumstances of the case and the grievance expressed by the petitioner, the petitioner can be permitted to operate the bank account maintained with the third respondent. To facilitate the same, the lien marked to the tune of Rs.6,19,351/- by the third respondent shall be kept aside and the petitioner shall be permitted to operate the bank account for all the other purposes including the remaining amount available in the bank account.

6. The fourth respondent is directed to co-ordinate with the Cyber Crime Police Station, Lucknow, Uttar Pradesh and take instructions regarding the grievance expressed by the petitioner and the complaint given by the petitioner for the very same cause of action for which investigation is pending before the Uttar Pradesh police.

7. Learned Senior Panel Central Government Standing Counsel appearing on behalf of the first respondent shall also take instructions

in this case.

Post this writ petition under the caption 'for orders' on 07.08.2025.

3.Pursuant to the above order, status report has been filed by the 4th respondent. The relevant portions are extracted hereunder:

> 1. It is submitted that the case of the prosecution is that on 10.06.2025 at about 14.00 hours, the petitioner namely Tr. Seenivasan had lodged a complaint before the respondent police station by stating that he is residing at above said address and further stated that he received a scam trading business message in his whatsapp from the mobile number 9963159651 Believed the same, the petitioner had transfer the amount of Rs.4,50,000/- from his HDFC Bank A/c. No. 50100653840515. Hence, the case.
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> 2. It is submitted that based on the above complaint, a case was assigned in Cyber Crime Police Station, South Zone, CSR.No. 257/2025 on 10.06.2025 by me and took up the case for enquiry.
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> 3. It is submitted that on 16.06.2025, I have sent the requisition letter to the Bank Manager, Indusind Bank and Bank Manager, City Union Bank to obtain the bank details of the suspect's account number viz., A/c.No.201032471811 and A/c. No.500101014081757 and obtained the report from the Bank Manager, Indusind Bank, in which it reveals that the balance amount of accused is Rs.50,217/-. The report was yet to be received from the Bank Manager, City Union Bank.

4. It is submitted that during the enquiry, the petitioner's HDF bank account No.50100653840515 was freezed by the Cyber Crime Police Station, Uttar Pradesh, Goa, West bengal and Tamilnadu regarding the same issue.

4.It is clear from the above that the bank account of the petitioner has been freezed only based on the request received from the Cyber Crime Police Station, Uttar Pradesh, Goa, West Bengal and Tamil Nadu.

5.The learned counsel for the petitioner brought to the notice of this Court the judgment of the Delhi High Court in **Neelkanth Pharma Logistics Pvt. Ltd., vs. Union of India and Another** reported in **2025 SCC Del 1055**. The Delhi High Court after taking into consideration the fact that such freezing of bank accounts takes place regularly across the country and there are no proper guidelines to follow an uniform procedure, directed the Ministry of Home Affairs, Government of India, to take proactive steps and to formulate guidelines.

6.The Central Government Standing Counsel appearing on behalf of the 1st respondent submitted that pursuant to the orders passed by the Delhi High Court, a Committee has already been formed and the draft guidelines have been prepared and has been placed before the Competent Authority in the Ministry of Home Affairs.

7.The learned counsel for the petitioner also brought to the notice of this Court, the order passed in WP.No.25631 of 2024, dated 10.9.2024. Even in that case, this Court found that there are no proper guidelines dealing with the freezing of bank accounts. This Court considering the facts and circumstances of the case directed the bank to keep a sum of Rs.2,50,000/- as a lien and permitted the petitioner therein to operate their account subject to the condition that he will always keep a minimum balance of Rs.2,50,000/-.

8.It is also brought to the notice of this Court that pursuant to the earlier order passed by this Court on 24.7.2025, a lien has been created only insofar as Rs.6,19,351/- and the petitioner has withdrawn the balance out of the total amount of Rs.10,87,263/-.

9.Considering the above, the petitioner shall be permitted to operate the bank account by the 2nd respondent. The petitioner shall ensure that at any given point of time, a sum of Rs.6,19,351/- is available in the bank account. If ultimately, there is absolutely no progress and the situation continues, it is left open to the petitioner to approach to this Court and seek for appropriate directions.

This writ petition is disposed of in the above terms. No costs.

07.08.2025

Index : Yes/No
Neutral Citation : Yes/No
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N. ANAND VENKATESH., J

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