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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

WP Crl. No. 1583 of 2025
and
WPMP Crl.No.760 of 2025

Arthi
W/o. Udayakumar,
Residing at Flat No.B-708,
Sarvam Apartments,
200 feet radial Road,
Pallikaranai, Chennai – 600 100.

Appellant(s)

Vs

1. The Nodal Cyber Cell Officer of
Tamil Nadu
National Cyber Crime Reporting Portal,
Ministry of Home Affairs,
Government of India,
New Delhi – 110 037.

2.Additional Director General of Police
Cyber Crime Wing,
No.3, Dr.Nateshan Road,
Police Training College Campus,
3rd Floor Cyber Crime,
Ashok Nagar, Chennai – 600 083.

3.The Inspector of Police
Maradu Police Station,
P A Ullahan Road, Near Govt. VHSS,
Maradu, Kochi, Ernakulam,
Kerala – 682 304.

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4.The Inspector of Police
White field Police Station,
PRESTIGE WHITE MEADOWS,
Whitefield Main Road,
Sathya Sai Layout, Whitefiled,
Bengaluru, Karnataka – 560 066.

5.The Inspector of Police
Rajiv Nagar Police Station,
Ashiana - Digha Road,
Jagat Vihar Colony,
Rukanpura, Patna, Bihar – 800 025.

6.The Inspector of Police
Chavara Police Station,
NH 66, Sankaramangalam,
Chavara, Kerala – 691 583.

7.The Inspector of Police
North Cyber Cell,
Annex-III building,
Police Commissioner Office,
Crowford Market, Mumbai.

8.The Branch Manager
ICICI Bank, Bazullah Road Branch,
T.Nagar Branch, Chennai - 017

Respondent(s)

PRAYER:The writ petition filed under Article 226 of Constitution of India to issue the Writ of Mandamus directing the 8^{th} respondent to withhold the disputed amount of Rs.2,55,020 (Two lakhs fifty five thousand and twenty rupees only) in the account of the petitioner and release the balance of the amount in the account of the petitioner having savings account No.602601502459.

For Appellant(s): Mr.K.Kamesh

For Respondent(s): Mr.S. Udayakumar
Govt. Advocate (Crl Side)
For R1 and R2

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ORDER

The petitioner is having a savings bank account No.602601502459 with ICIC Bank, Bazullah Road Branch, T.Nagar and the same was made inoperative, due to which, the petitioner is unable to operate her bank account. The petitioner earlier lodged a complaint to the Pallikaranai Police station on 26.10.2025 informing that she was unable to operate her bank account. Though CSR No.1602 of 2025 issued, no action taken. Hence, the above petition.

2.The contention of the petitioner is that the petitioner is running Pickle Ball Court at Madippakkam and Ramapuram, having 10 years of share trading experience and several business Apps, on 12.08.2025 when the petitioner was scrolling through Google share trading news, she came across a WhatsApp connecting link titled (8116.SMC Champions of Investments). The said group projected as though led by Mr.Himanshu Gupta, claiming as Chief Investment Officer of SMC Group and a partner in Global Trading Championship. The petitioner had no reason to doubt the group and she invested through the GTCSMC App for availing special intra-day stock options and news and IPO (Initial Public Offering) related benefits. Accordingly, on 03.09.2025 the petitioner invested Rs.1,00,000/- and on 04.09.2025, she further invested Rs.2,00,000/-, totalling Rs.3,00,000/- invested in the said App. When the petitioner on 04.09.2025 attempted to buy shares through the said App, the

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shares did not reflect in her Demat Account. Hence, she contacted the customer care, who informed the delay is due to Technical issue. On 05.09.2025, the petitioner suspected foul play and requested to sell the shares and repay the invested amount of Rs.3,00,000/-. On 06.09.2025, Rs.2,30,000/- was credited to the petitioner's ICICI savings bank account maintained with the 8th respondent with an assurance that the balance amount of Rs.70,000/- would be refunded. But not refunded, thereafter, the petitioner persistently demanded the return of remaining amount and she was removed from WhatsApp group. Further, the petitioner received a communication on 10.11.2025 from the ICICI Bank that pursuant to instructions received from the Law Enforcement Agency, her account was temporarily freezed and she was directed to approach the concerned law enforcing agency. Thereafter, petitioner lodged a complaint and CSR assigned but no action taken till date.

3.The learned counsel for the petitioner relied upon the decision of this Court in W.P.Crl.No.474 of 2025 dated 03.11.2025, wherein, this Court had given direction to the Law Enforcement Agency to follow the circular memorandum issued by the Commissioner of Police, Greater Chennai Police, Vepery, Chennai – 07, C.No.131/COP, GCP/Camp/2021 dated 24.06.2021. The learned counsel submitted in the present case none of the guidelines followed. Hence, keeping a lien on the disputed amount of Rs.1,00,005/- (Rupees one lakh

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and five only), the petitioner may be directed to operate her bank account, which she uses extensively fro all her routine and regular payments.

4.The learned Govt. Advocate (Crl.Side) appearing for the first and second respondents fairly submitted that based on the instructions received from the NCCRP, a lien was placed on the petitioner Bank Account since some suspicious transactions taken place using her account. He further submitted that in this case, the circular of Commissioner not completely followed, since the amounts get transferred in a whisker, there was some delay in following the circular. He further submitted that as on date, the amount of Rs.1,00,005/- (Rupees one lakh and five only) is under dispute.

5.The Investigating Agency in cybercrime cases are required to act with alacrity to save the funds being eroded/siphoned out by cyber criminals in lightening speed. No doubt, that does not absolve the Investigating Agency to neglect and disregard the instructions given. No doubt, in cases of exigency, immediately freezing or putting hold of any bank account can be done and this should be followed by a notice to the concerned person, thereafter, a decision can be taken to continue with the freezing of account, but of course after giving proper notice, hearing the objections of the account holder and informing the nature of the doubtful transaction, all to be informed to the account holder,

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consider the explanation thereafter to decide whether lien of the bank account is required or to what extent the lien to be placed, instead of stalling the operation of entire account.

6.In view of the above, order freezing the entire account without specifying the amount and period cannot be proper and justified. Such order will amount to violation of the fundamental right of trade and business and denial of livelihood.

7.Hence, this Court directs the 8th respondent bank to keep lien over a sum of Rs.1,00,005/- (Rupees one lakh and five only) and to defreeze the petitioner's bank account No.602601502459 enabling the petitioner to operate her bank account without any restriction. The petitioner is permitted to operate her account on the condition she shall ensure the account shall always have a minimum of Rs.1,00,005/- (Rupees one lakh and five only).

8.In the result, this writ petition (Criminal) is allowed. Consequently, connected miscellaneous petition is closed.

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Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
sms
Note: Issue order copy on 07.01.2026

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To

1.The Nodal Cyber Cell Officer of Tamil nadu
National Cyber Crime Reporting portal, Ministry of Home Affairs, Government of India, New Delhi.

2.Additional Director General of Police
Cyber Crime Wing, No.3, Dr.Nateshan Road, Police Training College Campus, 3rd Floor Cyber Crime, Ashok Nagar, Chennai.

3.The Inspector of Police
Maradu Police Station, P A Ullahan Road, Near Govt. VHSS, Maradu, Kochi, Ernakulam, Kerala.

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8.The Branch Manager
ICICI Bank, Bazullah Road Branch,
T.nagar branch, Chennai.

8.The Public Prosecutor
High Court, Madras.

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M.NIRMAL KUMAR J.

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