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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(CRL) 527/2025 & CRL.M.A. 4755/2025

SOHAM ENGINEERING WORK .....Petitioner

Through: Mr. Lalit, Mr. Kumar Rahul Anand, Mr. Lalit Kharya, Advocates (through VC)

versus

STATE GOVT. OF NCT OF DELHI AND ORS .....Respondents

Through: Mr. Amol Sinha, ASC for the State with Mr. Kshitiz Garg, Mr. Ashvini Kumar, Mr. Nitish Dhawan, Advocates with SI Naveen, Insp. Dinesh Dahiya, PS Cyber, North West

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% **10.07.2025**

1. Through the present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1], the Petitioner seeks the following reliefs:

> *"a) Issue a Writ of Mandamus directing Respondent No. 2 (Cyber Police) and Respondent No. 3 (IndusInd Bank) to immediately unfreeze the Petitioner's bank IndusInd Bank Account No. 259316582560.*
> *b) A declaration that the freezing of the account is arbitrary, illegal, and violative of Articles 14 and 21 of the Constitution.*
> *c) Directions to Respondents to provide reasons and justification for freezing the account, along with copies of any complaint no. 30811240049688 FIRs, or freezing orders.*
> *d) Issuance of guidelines to ensure procedural compliance in future freezing actions.*

[1] "BNSS"

e) An award of costs of the petition in favor of the Petitioner.
f) Pass any other(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

2. On 14th February, 2025, Mr. Amol Sinha, ASC for the State, apprised this Court that ongoing investigation had revealed large-scale fraudulent transactions involving the subject bank account. Crucially, he highlighted that the true identity of the Petitioner's proprietor, Mr. Sanjay Roy, was in serious doubt. Considering the above, the following directions were issued:

> *"1. Mr. Amol Sinha, ASC for the State points out that the ongoing investigation in the case has revealed that there are credit entries worth INR 36 Crores into the bank account of the Petitioner from March 2024 to November, 2024. He further submits that against this amount, INR 34.75 crores has already been withdrawn from the said bank account. Moreover, on instructions from the concerned Investigating Officer, Mr. Dinesh Daliya, Insp., Mr. Sinha states that when Mr. Sanjay Roy, the proprietor of the Petitioner company, was contacted by the IO, he claimed that he runs a tea stall in West Bengal and has never visited Delhi.*
> *2. **Further, Mr. Sinha points out that although Mr. Sanjay Roy has stated to the IO that he has never visited Delhi, the affidavit attached to the present petition has been sworn by him in Delhi. Counsel for the Petitioner in unable to confirm whether Mr. Sanjay Roy travel to Delhi for singing the said affidavit for the purpose of present petition.***
> ***3. Considering the above, since the identity of the Petitioner is itself in dispute in the present case, the Petitioner is directed to remain present before the Court on the next date of hearing. For this purpose, he is granted liberty to appear through the video conferencing mechanism.***
> *4. List on 3rd March, 2025."*
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> [Emphasis supplied]

3. On 03rd March, 2025, this Cout following order was passed:

> *"1. Counsel for the Petitioner states that since the Petitioner has medical ailments, he is unable to present himself before the Court even through video conferencing mechanism.*
> *2. At his request, the hearing is adjourned. On the next date of hearing, the Petitioner shall remain present through video conferencing mechanism.*

3. List on 2nd April, 2025."

4. Furthermore, on 02nd April, 2025, there was again no appearance on behalf of the Petitioner. Today, although, counsel for the Petitioner has appeared through video conferencing mechanism, he states that his client is unable to join the proceedings due to a technical difficulty.

5. Be that as it may, the Court has proceeded to hear the counsel for the parties. The State has filed their status report revealing that the account in question has been frozen on a complaint filed by one Mr. Mukesh. The Complainant stated alleged that his phone was hijacked by unknown persons, resulting in unauthorized deductions from his bank account, without his knowledge or consent. The Complainant reported the incident to the Cyber Fraud Helpline and on 5th November, 2024, a compliant was registered on National Cyber Crime Reporting Portal[2]. Thereafter, the same was forwarded to the Cyber Police Station, North West, Delhi for necessary action.

6. During the preliminary enquiry, it was revealed that the amount fraudulently deducted from the Complainant's bank account had been immediately split and transferred into three different accounts, one of which belonged to the Petitioner. From these accounts, the funds were swiftly routed to other linked accounts on the very same day. Specifically, a sum of INR 4 lakhs was credited to the subject bank account of the Petitioner.

7. Subsequent investigation further uncovered that, as per records maintained on the National Cyber Crime Reporting Portal (NCCRP), the Petitioner's account had been flagged in connection with cyber fraud

[2] "NCCRP"

incidents on at least 30 occasions by various complainants across different states. Analysis of the account statements revealed that between 5th March, 2024, and 28th November, 2024, over INR 36 crores had been credited to this account, which was then systematically siphoned off and dispersed across multiple other bank accounts. Notably, on the very day the present complaint was lodged, an amount of INR 1.6 crores was deposited into the Petitioner's account; however, due to the swift layering and diversion of funds, by the end of that day, only INR 1,77,065/- remained as balance.

8. Furthermore, it was revealed that another bank account stood registered in the name of the same firm. Scrutiny of this account indicated that from its opening on 25th May, 2023, until 20th February, 2025, an aggregate sum exceeding INR 32 crores had been credited, which was thereafter promptly transferred to various other accounts.

9. Significantly, the purported proprietor of the Petitioner firm – Mr. Sanjay Roy – has persistently evaded participation in the investigation. The status report records that on 14th February, 2025, the Investigating Officer received a call from an individual claiming to be Sanjay Roy, who asserted that he was a modest tea stall owner in West Bengal, earning merely INR 200–400 per day. He categorically denied operating any business entity, disclaimed ever having visited Gujarat (where the Petitioner's registered office is situated) in the past three years, and further denied executing any recent affidavits.

10. However, examination of the Call Detail Record (CDR) location data of the mobile number linked to Sanjay Roy revealed that this number was exclusively used for internet banking transactions related to the subject bank account and had been operated from Gujarat and even from overseas

locations. Notably, at no point did the mobile number reflect a location within West Bengal, thereby starkly contradicting the assertions made by the purported account holder.

11. In light of the foregoing, it stands unequivocally established that the subject bank account of the Petitioner firm has been actively used in a sophisticated, large-scale cyber fraud scheme spanning multiple states and impacting numerous unsuspecting victims. Furthermore, despite explicit and repeated directions from this Court, the Petitioner has deliberately chosen not to appear and has consistently evaded participation in these proceedings. Such conduct demonstrates a lack of *bona fides* but also *prima facie* fortifies the inference of the Petitioner's conscious involvement in these fraudulent activities. Consequently, the relief sought for defreezing the bank account is not merely devoid of merit but reflects an attempt to misuse the process of law to thwart ongoing investigations.

12. In view of the above circumstances, this Court finds no ground to exercise its discretionary jurisdiction in favour of the Petitioner. Accordingly, the present petition stands dismissed with costs of INR 25,000/-, to be deposited with the Delhi Police Welfare Fund within four weeks. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

JULY 10, 2025/ab