HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 3738/2025

Subhash Consultant, Through Its Authorized Proprietor Subhash Choudhary S/o Shri Rameshwar Coudhary, Aged About 23 Years, R/o Flat No. 102, Parth Residency Q Block Mamta Rose Nursery Mansarovar Greater Jaipur, District Jaipur, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Commissioner Of Police, Home Department, Jaipur.
2. Station House Officer, Cyber Crime Cell, Gautambudh Nagar, Noida, Delhi.
3. Branch Manager/nodal Officer, Au Small Finance Bank, Plot No. 1 And 2, Jai Jawan Colony, Tonk Road, Jaipur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Mohan Singh Shekhawat Mr. Anil Bishnoi.
For Respondent(s)	:	Mr. Deependra Singh Shekhawat.

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

10/02/2025

1. Heard learned counsel for the parties.

2. The present writ petition has been filed with the following prayers:

> "(i) By an appropriate writ, order or direction, the respondent may kindly be directed to de-freeze the bank account bearing No.2302245453909141 of the petitioner's Consultant in respondent bank."
>
> (ii) By an appropriate writ, order or direction, the respondent may kindly be directed to not freeze the bank account of the petitioner in future without prior notice."

3. Learned counsel for the petitioner submits that the petitioner has never misused his bank account for the purpose of illegal transactions and has not committed any cyber crime. Learned counsel for the petitioner submits that the petitioner is ready and willing to co-operate with the Investigating Agencies and will appear before the Bank Authorities and the Investigating Agencies as and when called upon. He, therefore, prays that the disputed amount which has been received in petitioner's account may be freezed but, the amount other than the disputed amount may be allowed to be withdrawn. He further prays that the petitioner may be allowed to operate his bank account for the transaction of money.

4. *Per contra* learned counsel for the respondent-Bank submits that the bank account of the petitioner has been freezed in pursuance of the instructions received from CEN Crime Police Station, Cyber Crime Cell. Learned counsel for the respondent-Bank also submits that till the matter is pending investigation, the bank account of the petitioner may not be closed and he may be directed not to discontinue the bank account until the investigation is completed.

5. Learned counsel for the petitioner is agreeable with the submissions made by counsel for the respondent-Bank.

6. In view of the submission made before this Court, the writ petition is disposed of with a direction to the respondent-Bank to de-freeze the bank account of the petitioner and he may be allowed to operate the transaction in his bank account, freezing only the disputed amount or any other amount involved in the Cyber crime which is allegedly involved in a fraudulent transaction.

7. It is made clear that the petitioner will co-operate with the Bank Authorities and the Investigating Agencies and will appear before them as and when required. It is also ordered that the petitioner shall not close or discontinue his bank account till the Investigating Agencies and Bank Authorities permit the petitioner to do so. It is further ordered that after the investigation if the petitioner is found involved in any illegal transaction, he shall be liable to pay the amount involved in the illegal transaction and will face the enquiry/investigation as per the law.

8. Stay petition and other pending applications, if any, shall stand disposed of accordingly.

(VINIT KUMAR MATHUR),J

154-/Arun P/-