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2026:GAU-AS:16335

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2509/2026

AHMED JAKY
S/O ABDUL QUDDOOS, H NO. 2, BIDYANAGAR PATH, GARIGAON,
GUWAHATI, KAMRUP METRO, ASSAM- 781012

VERSUS

THE RESERVE BANK OF INDIA AND 4 ORS
REPRESENTED BY ITS REGIONAL DIRECTOR, PANBAZAR, STATION ROAD, GUWAHATI- 781001

2:HDFC BANK LTD
REPRESENTED BY ITS GENERAL MANAGER
HAVING ITS BRANCH AT RUKMINIGAON BRANCH
A.P. TOWER
3RD FLOOR
GUWAHATI- 781022

3:THE NODAL OFFICER/LEGAL DEPARTMENT
HDFC BANK LTD.
RUKMINIGAON BARNCH
A.P. TOWER
3RD FLOOR
GUWAHATI- 781022

4:THE SR. INSPECTOR OF POLICE
CYBER CELL
CID
CB
MUMBAI
MAHARASHTRA- 400001

5:THE SUPERINTENDENT OF POLICE (CYBER CRIME)

ASSAM POLICE
GUWAHATI
KAMRUP(M)
ASSA

Advocate for the Petitioner : MD S HOQUE, MR. M DEKA

Advocate for the Respondent : GA, ASSAM,

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

06-11-2026

1. Heard the learned counsel for the petitioner.

2. None appears for the respondent Bank on call. None did represent the respondent Bank on the last occasion, i.e., on 09.10.2026.

3. Considering the nature of the controversy involved and the materials placed on record, the present petition is taken up for final disposal at the admission stage itself.

4. The petitioner has stated that he maintains a Standard Savings Bank Account No. 14051050032423 at the HDFC Bank and his entire transactions are conducted through the said Savings Bank Account. The petitioner has stated that the said account has been kept debit freezed/frozen by the respondent authorities on receipt of a complaint regarding suspicious transactions amounting to Rs. 1,155/-, Rs.18,000/-, Rs. 1,155/- and Rs. 2,000/- respectively.

5. According to the petitioner, an amount of Rs.93,000/-was lying in the said Bank Account. He had sent emails to the Ministry of Home Affairs, Inspector General, Cybercrime, Maharashtra, Superintendent of Police, Cybercrime Maharashtra as well as the Officer-in-Charge, Jalukbari Police Station on 11.11.2025 & on 12.11.2025 to remove the restriction on transaction against the said Bank Account. As no action was taken, the petitioner's EMIs for his Personal Loan were delayed and the respondent Bank had unlawfully classified his entire loan and credit card as Non-Performing Assets vide communication dated 27.02.2026.

6. Being aggrieved, the present writ petition has been filed.

7. I have considered the rival submissions advanced by the learned counsel for the parties and the materials available on record.

8. It is not in dispute that the action of the respondent Bank was initiated on the basis of the information/instruction received from the Law & Enforcement Agency in connection with the investigation of a cyber offence.

9. Therefore, this Court would not be justified in issuing any direction which may have the effect of frustrating or prejudicing the investigation. The materials on record do not indicate that the entire amount lying in the account represents the proceeds of the alleged fraudulent transaction or that the entire balance is required to remain under restraint for the purpose of the investigation.

10. The grievance of the petitioner, therefore, needs to be approached by maintaining a balance between the interests of bonafide investigation into

cyber offence, which undoubtedly requires effective measures for the preservation of the suspected proceeds of crime and the right of an account holder to operate his Bank Account in respect of the amount which are not presently shown to be required for such an investigation.

11. A complete restraint on the operation of the account in the notwithstanding the fact that the respondent Bank itself has presently quantified the lien amount at Rs. 22,310/-, in the facts and circumstances of the present case, is not warranted. At the same time, this Court is conscious of the fact that the transactions in the said account require scrutiny. Those are the matters which may appropriately be examined by the competent investigating agency.

12. The present order therefore shall not be construed as expressing any opinion on the nature of legality of the present transactions in the account or on the merits of any investigation.

13. Accordingly, the respondent Bank is directed to permit the petitioner to operate his Savings Bank Account bearing No. 14051050032423 at HDFC Bank, subject to the lien of Rs. 22,310/- which shall continue until an appropriate order is passed by the competent investigating authority.

14. The respondent Bank shall, however, be at liberty to act upon any further lawful order or instruction issued by the competent investigating agency or any Court of competent jurisdiction in connection with the investigation.

15. The petitioner shall also furnish an appropriate undertaking/bond before the respondent Bank to indemnify it against any loss or liability, which may arise on account of any fraudulent or unlawful transaction attributable to the petitioner in connection with the aforesaid account.

16. It is made clear that this order shall not prevent the competent investigating agency from proceeding with the investigation in accordance with law including taking steps in respect of the account as may be permissible under law.

17. The instant writ petition stands disposed of with the aforesaid terms.

JUDGE

Comparing Assistant