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

\+ W.P.(C) 3124/2026

MOHD ZABI .....Petitioner

Through: Mr. Arkam Khan, Adv.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Shoumendu Mukherji SPC with Ms Megha Sharma Mr Aniruddha Ghosh Ms Surabhi Tuli Advs with Mr. Sanjay Pal GP for R1

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

<u>O R D E R</u>

% 12.03.2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

> *"a. Issue a writ of Certiorari or any other appropriate writ, order or direction calling for the records and quashing the freeze instructions/liens issued by Respondent No. 1 or any other law enforcement agencies and executed by Respondent No. 2 in respect of the Petitioner's Savings Account No. 50100530130339;*
>
> *b. Issue a writ of mandamus or any other appropriate writ directing the Respondent No. 2 Bank to immediately defreeze the Petitioner's bank account bearing no. 50100530130339 and restore full operational access thereto.;*

c. In the alternative, direct the Respondents to restrict the freeze, if any, only to the alleged disputed amount and release the remaining balance forthwith;…"

2. Mr. Khan, learned counsel for the petitioner, states that the action of freezing the bank account of the petitioner is violative of principles of natural justice as no prior intimation, notice, or opportunity to furnish an explanation was given to the petitioner.

3. For the said reasons, issue notice.

4. Mr. Mukherji, learned special panel counsel accepts notice on behalf of the respondent No. 1.

5. There is nobody appearing on behalf of the respondent No. 2 bank. However, in view of urgency the matter is being taken up for hearing today.

6. Mr. Mukherji, learned special panel counsel, draws my attention to the Order of the Hon'ble Supreme Court passed in Suo Moto Writ Petition (Criminal) No(s). 3/2025, wherein the paragraph Nos. 4 and 5 read as under:-

> *"4. Similarly, the RBI has drafted a Standard Operating Procedure (SOP) prescribing actions by banks for placing temporary debit holds on amounts/accounts, to prevent money-mule activities and cyber-enabled fraud. The SOP for NCRP-CFCFRMS, custody and restoration of money and grievance redressal has also been approved on 02.01.2026. We, accordingly, direct the Ministry of Home Affairs to formally adopt and implement the above-stated SOP dated 02.01.2026 and the same be issued across the country for*

adopting by all the participating entities a uniform process to strengthen inter-agency coordination, ensure the timely restoration of defrauded funds wherever possible, and enhance public confidence in reporting cyber financial frauds through the NCRP and the 1930 helpline including the adjudicating authorities.

5. All the High Courts are directed to ensure that the adjudicating authorities within their respective jurisdiction are in compliance with the above-mentioned SOP."

7. The operative portions of the Standard Operating Procedure **("SOP")** issued by the Ministry of Home Affairs read as under:

"10.1 In case of grievances related to the amount put on hold effected by NCRP-CFCFRMS, the following process will be followed:

a) A person affected by such an action will approach the Bank branch where her account exists or any other designated branch or office. The bank will undertake CDD as prescribed in relevant RBI circulars and Master Directions, updated from time to time and the justifications submitted by the person, exercise Enhanced Due Diligence (EDD) and if convinced about the bonafides of the transaction, submit the grievance to the Grievance Redressal Module of CFCFRMS with the necessary justifications submitted by the aggrieved person. Banks and FIs would be expected to submit such a grievance at the earliest and not beyond 07 calendar *days from the day the aggrieved person complains.*

b) The grievance will be assigned by the concerned SHO to the IO or Police officer under intimation to the concerned District Grievance Officer. If there are multiple holds, the grievance will be assigned by the concerned SHOs to the concerned IOs or Police officers under intimation to the District Grievance Officers.

c) The IO or Police Officer of the case shall verify the grievance. She shall issue a notice (physical or electronic) to the account holder in whose account the reported amount is put on hold to appear for verifications, preferably through a video conference. A representative of the aggrieved person's bank branch (preferably grievance redressal officer) may also be included in the videoconference or otherwise involved with the process of verifications. The account holder or the person raising the grievance on behalf of the account holder should not be called to appear in person before the IO or Police officer, unless deemed to be unavoidable during a course of the investigation, and an FIR or e-FIR is issued in the case. To the extent possible, videoconferencing should be opted.

d) For verifications, the IO or Police Officer may also take the assistance of the concerned Police Station of the area where the account holder resides. For this, the CIAR module of the Samanvaya Platform can be used. If *satisfied with the verifications and the explanations submitted, he will direct the concerned banks to remove the hold on the reported amount within 15 calendar days of the receipt of the grievance. The Bank or FI concerned shall remove the hold on the reported amount and shall update the same on the Grievance Redressal Module.*

e) If the IO or Police Officer is not satisfied with the explanation submitted by the aggrieved person, she shall submit her remarks on the Grievance Redressal Module within 15 calendar days of raising the grievance by the bank, duly recording the reasons and the same will be communicated to the account holder by SMS/email.

f) If the IO or Police Officer or the authorised Police Officer doesn't address the grievance raised within a period of 15 calendar days, then on the completion of 15 calendar days, the grievance will be automatically notified to the District Grievance Officer. If the account holder is not satisfied with the orders of the IO or Police Officer, she may file a review request within 15 calendar days of receiving intimation by visiting the designated bank branch, which will then be reviewed by the District Grievance Officer. The reviewing officer will go through the details submitted, reasons offered by the IO or Police Officer, may seek additional *information from banks, pass appropriate instructions to the IO or Police Officer and update her decision on the Grievance Redressal Module within 15 calendar days of being notified. As instructed by the District Grievance Officer, the IO or Police Officer shall take appropriate action and update the portal within 2 calendar days. Banks and FIs should furnish the requested information at the earliest and not later than 2 calendar days to enable expeditious disposal of the grievance.*

In case no lawful directions regarding continuation or discontinuation of the hold (where money is held in the bank account against any LEA request or court order) are received within 90 calendar days of the grievance being submitted by the bank, then within 15 calendar days before the expiry of these 90 calendar days, the bank will intimate the concerned LEA for removal of the hold, in cases where the hold placed has been contested upon through this grievance redressal mechanism. Further, an SMS will be sent to the concerned SHO or the authorised Police Officer through NCRP. If the amount is not required to be retained in any other case or if there is no petition filed in any court for the release of that amount, and there is no request from the concerned LEA for an extension of the hold period, the bank shall remove the hold, after EDD, on a request made by the account holder and as per instructions of the concerned LEA.

Before carrying out the discontinuation of the hold, intimation will be sent to the SHO at least 15 calendar days before the date of expiry of the 90 calendar days from the date of raising the grievance. The status of the removal of the hold will be updated on CFCFRMS by the Bank. In case the IOs or designated Police Officers find it necessary during the course of investigation that it's necessary to continue the hold, they may ask for an extension for continuation for up to 90 additional calendar days."

8. In view of the SOP being in place, the petitioner shall approach the respondent No. 2 bank and respondent No. 2 bank shall ensure compliance of the SOP immediately and in its true letter, spirit and intent.
9. With these directions, the petition is disposed of along with pending applications, if any.
10. In case the petitioner is aggrieved by any non-action/ wrong action, the petitioner shall be at liberty to revive the petition and/ or proceed in accordance with law.

JASMEET SINGH, J

MARCH 12, 2026 / (MS)