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

\+ **W.P.(C) 7352/2025 & CM APPL. 33045/2025**

Date of Decision: **04.05.2026**

IN THE MATTER OF:

TUSHAR VERMA
S/o LALIT KUMAR VERMA
WZ-I 061 122, RAJOURI GARDEN
EXTENSION,WEST DISTRICT,
NEW DELHI - IIOO27 .....PETITIONER

(Through: Mr. Tushar Lamba and Mr. Jujar Singh Puri, Advs.)

Versus

I. UNION OF INDIA,
(THROUGH ITS SECRETARY)
MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA,
NEWDELHI_IlOOOl

2. CYBER POLICE STATION,
VADODARA CITY, GUJARAT - 390006
(THROUGH ITS INCHARGE)

3. HDFC BANK LIMITED,
(THROUGH ITS BRANCH MANAGER)
TILAK NAGAR BRANCH, WEST DISTRICT
NEW DELHI –

4. THE RESERVE BANK OF INDIA,
(THROUGH ITS GOVERNOR)
SANSAD MARG,

NEWDELHI-lIOOOI

5. INDIAN CYBER CRIME COORDINATION CENTRE NATIONAL CYBER CRIME REPORTING PORTAL
(THROUGH ITS DIRECTOR)
JAI SINGH ROAD,
NEW DELHI _ l IOOOI .... RESPONDENTS

(Through: Mr Farman Ali CGSC, Ms. Usha Jamnal adv for UOI.
Ms. Shimpy Arman Sharma and Mr. Khushal madan, Advs. for R-3.
Ms. Tanya Chowdhary, Ms. Nisha Sharma Advocates for R-4.)

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner, Mr. Tushar Verma, holds a savings bank account with, HDFC Bank Ltd (Respondent No.3). On 08.11.2024, he received a sum of Rs.87,694/- from his brother. On 16.01.2025, the respondent-bank placed a lien on his account to the extent of Rs.41,896.92 based on a complaint received from, Cyber Police Station, Vadodara City, Gujarat (Respondent No.2). On 22.03.2025 and 18.04.2025, this freeze was extended to the entire remaining balance. No FIR has been registered against the petitioner, nor has he been summoned or arrayed as a suspect in any investigation. His application before the learned Metropolitan Magistrate, Tis Hazari Courts, Delhi, was dismissed for want of jurisdiction on 30.04.2025. Aggrieved, the petitioner approached this Court.

2. The petitioner seeks a writ of mandamus directing Respondent No.3,

HDFC Bank Ltd. to defreeze his savings bank account and release the amount lying therein, and a declaration that the freezing of a bank account without prior notice is illegal and unconstitutional.

3. Despite service on Respondent No.2, no reply is filed.

4. Learned counsel appearing for the respondent-bank submits that the freezing is marked solely on account of receiving a complaint from Cyber Crime, Gujarat on 27.11.2024. It is, however, an admitted position that the petitioner has neither been named as an accused in any First Information Report (FIR) nor summoned as a suspect.

5. It is the petitioner's case that since thereafter, he has not been summoned, nor has any FIR been registered against him. The investigating agency, Respondent No.2 has chosen to remain silent and has not filed any reply. This continued inaction, coupled with the absence of any material to connect the petitioner to any offence, renders the freezing of his account wholly arbitrary and unsustainable in law.

6. The Court thus finds that in the absence of there being any justification by the Cyber Crime, Gujarat, the continuing seizure of the petitioner's account was uncalled for. The bank has also not produced any order from a competent court authorising the debit freeze. This breaches the constitutional guarantees the petitioner is entitled to.

7. This Court in the ***Malabar Gold and Diamond Limited & Ors. v. Union of India & Ors.***,[1] has held as under:

> *"19. In light of these provisions, it is also pertinent to note that any blanket or disproportionate freezing of bank accounts, particularly where the account holder is neither an accused nor even a suspect in the offence under investigation, is manifestly arbitrary, and in the teeth of the*

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[1] Order dated 16.01.2026 in W.P.(C) 4198/2025.

fundamental rights under Article 19(1)(g) and 21 and of the Constitution of India, which encompass the right to livelihood and freedom to carry on trade and business. Such indiscriminate debit freezing, without any finding of complicity, has the inevitable effect of paralysing the day-to-day business operations of an otherwise innocent entity, resulting in loss of commercial goodwill and financial consequences, thereby subjecting a non-complicit account holder to punitive consequences."

8. A bank account is not just a place to keep money but is the very essence of an individual's economic existence. Cicero, the Roman jurist and philosopher, once declared: "*So-and-so is innocent; but although he is free from guilt, he is not free from suspicion.*" That is precisely the petitioner's situation. His account is frozen and his money is stuck, but there is no accusation, no FIR, and no judicial order against him. Freezing an account without any justification is bound to cause impediments to the right to life.

9. For the aforementioned reasons, the respondent-bank is directed to immediately defreeze the petitioner's bank account.

10. The petitioner shall fully cooperate if any investigation and inquiry is carried out by the concerned agency.

11. Petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

MAY 4, 2026/P