HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 23221/2026
CNR: RJHC021117872026 | URN: CW / 48993U / 2026

Rajesh Kumar S/o Shri Dalu Ram, Aged About 26 Years, R/o Ward No. 9, Singhasan, Sikar, Rajasthan- 332027

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Home, Secretariat, Jaipur.
2. Deputy Inspector General Of Police (Cyber Crime), Police Headquarters, Jaipur, Rajasthan- 302005.
3. Hdfc Bank Ltd, Through The Branch Manager, Shivsinghpura Branch, Piprali Road, Gram Panchayat Shivsinghpura, Near Allen Coaching Institute, Sikar, Rajasthan- 332001.

----Respondents

For Petitioner(s) : Mr. Kamlesh Kumar
For Respondent(s) : Mr. Bhuwnesh Sharma, AAG

HON'BLE MR. JUSTICE SAMEER JAIN

Order

25/11/2026

1. The present petition has been filed with the following prayers:-

> *"1. Issue an appropriate writ, order, or direction, declaring the action of Respondent No.3 Bank in freezing the entire bank account of the Petitioner as illegal and arbitrary;*
> *2. Direct Respondent No.3 (HDFC Bank Ltd.) to immediately defreeze/unfreeze the Bank Account No. 50100688633831, and restore full operational rights to the petitioner;*
> *3. In the alternative, if any specific dispute/investigation is genuinely pending qua any portion of the funds, direct the respondents to restrict the lien/hold strictly to the extent of the amount actually found to be disputed (upon*

disclosure of particulars thereof by the respondents) only, and permit the petitioner to freely operate the account for all other funds, for his day-to-day livelihood and personal requirements;

4. Pass such other or further order(s) as this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the case, in the interest of justice."

2. Heard and perused the material available on record.

3. Upon doing the needful, at the outset, this Court observes that the freezing of a bank account in connection with a cyber-crime investigation undoubtedly causes prejudice to the account holder; however, having regard to the peculiar nature of cyber offences, where the proceeds of fraud may be transferred through multiple accounts within a short span of time, immediate preventive action by the investigating agency cannot, by itself, be termed arbitrary merely on the ground that prior notice was not afforded to the account holder. At the same time, such power is required to be exercised with due circumspection and in a manner proportionate to the alleged fraudulent transaction, and the restraint cannot be permitted to continue for an unduly prolonged period without review.

4. This Court takes note of the ratio encapsulated in the judgment dated 12.08.2026 in **SBCWP No. 9549/2026** titled as **Madna Ram Vs. RBI & Anr.** along with connected petitions, (passed recently at Principal Seat, Jodhpur) and Standard Operating Procedure dated 02.01.2026 issued under the National Cyber Crime Reporting Portal and the Citizen Financial Cyber Fraud Reporting and Management System i.e. NCRP-CFCFRMS, Ministry of Home Affairs which provides a structured, time-bound and multi-tiered grievance redressal mechanism to an aggrieved

account holder against putting an account on hold, seizure thereof or suspension of digital banking services. The said mechanism contemplates consideration of the grievance by the designated District Grievance Officer, an appeal before the State Grievance Officer within the prescribed period, and, where warranted, recourse to the jurisdictional Court for restoration of digital banking services or de-freezing of the account.

5. The SOP further casts corresponding obligations upon the banks and the investigating agencies to furnish requisite information and take consequential action within the stipulated timelines. Thus, in view of the efficacious mechanism now available under the aforesaid SOP, and the ratio passed in **Madna Ram (supra),** a writ petition seeking de-freezing of the account, without first availing the remedy so provided, would ordinarily be premature. The authorities, while exercising the power of freezing, are consequently required to ensure that the restraint remains proportionate to the alleged transaction and that the safeguards and timelines prescribed under the SOP, and the directions spelled out in paragraph nos. 13 to 16 of **Madna Ram (supra),** are strictly adhered to. It is made cautiously clear that the ratio passed in **Madna Ram (supra)** shall be treated as part and parcel of the present order.

6. In accordance with SOP (supra), and in light of judgment enumerated in **Madna Ram (supra)**, the present petition is disposed of. Pending applications, if any, shall stand disposed.

(SAMEER JAIN),J

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