IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 10th OF OCTOBER, 2025

WRIT PETITION No. 39781 of 2025

WONDAR SALVAGE INDIA PRIVATE LIMITED THROUGH ITS AUTHRIZED SIGNATORY MR SHEHNEELA CHOUHAN

Versus

STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Jayesh Gurnani - Advocate for the petitioner.

Shri Raghav Shrivastava - Govt. Advocate for the State.

ORDER

This writ petition has been preferred by the petitioner under Article 226 of the Constitution of India praying for the following reliefs:

> *"7.1. That, the instant petition may kindly be allowed and the impugned order dated 16.08.2024 passed by the respondent no.3 and all its subsequent and consequential action taken by the respondents may kindly be quashed and directions may kindly be issued to the respondents to unfreeze the subject account of the petitioner ;*
>
> *7.2. That, the action of respondent no. 3 of freezing the subject account of the petitioner without granting any opportunity of hearing to the petitioner may kindly be declared as illegal and arbitrary and necessary directions may kindly be issued to the respondents for unfreeze the subject account of the petitioner ;*
>
> *7.3. That, the cost of instant petition may also be awarded to the petitioner and any other relief which this Hon'ble Court deems fit in the interest of justice, equity and good conscience may also be granted to the petitioner."*

2. Learned counsel for the petitioner has submitted that the case of the petitioner is squarely covered by the decision rendered by this Court in the case of ***Malcolm Murayis & Ors. Vs. State Bank of India and Others*** ***Malcolm Murayis & Ors. Vs. State Bank of India and Others*** passed in W.P.

No.1100 of 2024 dated 26.04.2024.

3. So far as the decision rendered in the case of Malcolm ***Murayis (supra)*** is concerned, the same reads as under:-

"1] This order shall also govern the disposal of W.P. Nos.1100/2024 and 1185/2024 as in both the petitions identical reliefs have been sought by the parties.

2] These petitions have been filed by the petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

"a) This petition may kindly be allowed with cost.
b) To direct the Respondent No. 2 thereby directing Respondents to remove the hold/freeze on the Bank account of petitioners.
c) Issue such other orders, writ, and direction as this Hon'ble court deems fit in the interest of justice in favour of petitioner."

3] The grievance of the petitioners is that they are engaged in trading of crypto and virtual currency, and having their bank accounts with State Bank of India and ICICI Bank, which have been freezed all of a sudden, only on the intimation sent by the cyber cells of the various police stations, viz., respondent Nos.3 to 9, to freeze the aforesaid account on the allegation that the accounts are involved in some cyber fraud. The amounts of which have also been disclosed, as to how much of the amount is credited in the account of the petitioners, which are linked to cyber crime/fraud.

4] Counsel for the petitioners has submitted that the petitioners have never received any notice from any police station regarding their involvement in any such offence, and even otherwise, they are lawfully carrying out their business of trading, and it appears that some person who was involved in fraud has transacted through the petitioners. Thus, it is submitted that the petitioners may be allowed to operate their bank account, and so far as the amount which is said to be credited on account of the cyber fraud, it is submitted that it may be kept in separate fixed deposits so that the same can be withdrawn as and when the clean chit is given to the petitioner. Counsel has also submitted that none of the investigating agencies have complied with Section 102 of Cr.P.C. and have not informed the concerned Magistrate about such seizure. Thus, it is submitted that the petition be allowed.

5] Counsel for the respondents Banks have submitted that the Banks have not freezed the account of the petitioners on their own but only at the instructions of various cyber cell police stations, and are bound by the instructions issued by such investigating authorities. Thus, it is submitted that the appropriate orders may be passed.

6] Heard counsel for the parties and perused the record.

7] From the record, it is found that this Court vide its order dated 14/03/2024 has passed an interim order in the following manner:-

"Heard on the question of admission and interim relief.
Let notice be issued to respondents No.3 to 9 in WP No.1100/2024 and respondents No.3 to 6 in WP

No.1185/2024 on payment of process fees within three working days, returnable within further two weeks time, who are various police authorities and who have sent the requests to the respondent No.1/SBI to freeze the account of the petitioners, alleging some cyber crime.

Since the notices have been served on respondent No.1 SBI by the aforesaid authorities through email only, the notice of this petition shall also be sent to these authorities through their respective emails, so as to expedite the matter.

On payment of separate process fees, the petitioners are also permitted to serve dasti notice to the respondent No.3 ICICI Bank in WP No.1185/2024, whereas the other respondents shall be served through emails. Notice shall be returnable within two weeks time.

Shri Arpit Guru, learned counsel for the SBI is also directed to apprise the investigating agencies who are respondents No.3 to 9 in WP No.1100/2024 and respondents No.3 to 6 in WP No.1185/2024 about the court's proceeding today, so that they can also submit their reply expeditiously.
The respondents are directed to file their reply positively within further three weeks time.

As an interim measure, it is directed that till the next date of hearing, each of the petitioners shall be allowed to withdraw Rs.50,000/- per month from their respective accounts."

(emphasis supplied)

8] In compliance of the aforesaid order, State Bank of India has already sent emails to the concerned cyber crime cell of various police stations but except the cyber crime cell of Banglore, Karnataka / respondent No.4 in connected petition W.P. No.1185/2024, no other police station has taken trouble to respond to the emails sent to them, which also demonstrates the poor functioning and irresponsible approach of the said cyber crime cells of various States as on one hand they had sent emails to the various banks to freeze certain accounts, and on the other hand they are not willing to respond to the emails sent to them.

9] In such circumstances, this Court is inclined to dispose of this petition with a direction to the respondents/Bank to keep the disputed amount as informed to them by various cyber crime agencies, in fixed deposits, which shall be allowed to be liquidated only after the orders are passed by the competent Judicial Magistrate within three months' time as it is expected from the cyber crime police to proceed in accordance with law under Section 102 of Cr.P.C., or any other law on which they are relying upon, failing which the amount so kept in FDs may also be allowed to be withdrawn by the petitioners under intimation to the cyber crime agencies.

10] With the aforesaid direction, the petitions stand disposed of."

4. On due consideration, this Court is of the considered opinion that

the decision rendered by this Court in the case of ***Malcolm Murayis (supra)*** shall be applicable *mutatis mutandis* in the present case also.

5. In such circumstances, this Court is inclined to dispose off this petition with a direction to the respondents/Bank to keep the disputed amount as informed to it by the crime agencies in fixed deposits, which shall be allowed to be liquidated only after the orders are passed by the competent Judicial Magistrate within three months' time as it is expected from the Police agency to proceed in accordance with law under the relevant provisions of the BNSS or any other law on which it is relying upon, failing which the amount so kept in FD may also be allowed to be withdrawn by the petitioner under intimation to the Police agency. In the present case also and the bank account bearing Account No.2000001286147 of the petitioner shall be unfrozen.

6. With the aforesaid direction, the petition stands disposed off.

(PRANAY VERMA)
JUDGE

Shilpa