



2026:AHC-LKO:21488-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 919 of 2026

Neda

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt.
Home And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Gyan Chandra Dubey, Rakesh
Kumar Singh
Counsel for Respondent(s) : C.S.C., Ruby Choudhary

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE INDRAJEET SHUKLA, J.**

1. Heard learned counsel appearing on behalf of the parties.
2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner is aggrieved by the actions taken by the State Bank of India and the other respondent authorities in freezing the savings bank account of the petitioner maintained with the State Bank of India, Branch Itifatganj, District Ambedkarnagar.
3. Upon perusal of the documents, it is clear that till date, no explanation has been provided to the petitioner with regard to why the bank account has been frozen.
4. Learned counsel appearing on behalf of the State Bank of India has submitted that this freezing has been done by Local Head Office (LHO), State Bank of India at Gandhi Nagar upon an e-mail written by the Cyber Crime Cell, CID Crime, Gandhi Nagar.
5. It is to be noted that the communication from the Cyber Cell does not reflect the amount involved that has entered the account of the petitioner, nor does it reveal any other details till date.

6. It is to be noted that the Division Bench of this Court, vide judgment and order dated January 19, 2026, passed in **Writ-C No. 12211 of 2025**, titled **Khalsa Medical Store through Prop. Yashwant Singh vs. Reserve Bank of India through Governor and others**, has laid down the principles to be followed in cases of cyber crime, which are delineated below:-

"12. After sifting through the ratios laid down in the catena of judgments mentioned above, and upon applying our mind to the issue at hand, the following principles may be laid down for freezing a bank account under a suspicion of cyber crime:-

A. Section 106 of BNSS should not be interpreted to empower police officers to intervene in money disputes by seizing property especially based on mere suspicion but it must be bolstered by reasonable belief.

B. Information for freezing the bank account by the investigating officer shall be sent immediately to the nodal officer of the bank of the beneficiary or payment service system, including the payment aggregator, so as to take action at their end. The police officer must furnish information with relation to the alleged crime and should accompany a copy of the FIR or information received. The bank or the payment system operator (PSO) may decline a request, if it is received without a copy of any complaint or FIR.

C. The notice under Section 106 of the BNSS may require to mark lien on a specific amount (money allegedly transferred from or to the bank account of accused), but in no case the police may ask or request any bank or payment system operator (PSO) including payment aggregator, to block or suspend entire financial account.

D. As soon as information to block or put on hold or marking of a lien is forwarded to a bank or any financial intermediary, including a payment system operator (PSO), then the information shall simultaneously be sent to the jurisdictional Judicial Magistrate within 24 hours. Failure to inform may render such an action as void.

E. If any bank puts on hold any bank account or escrow account maintained by any entity / citizen on the request of the police without following the proper procedure, then the bank shall be personally liable for the Civil and Criminal consequences for the loss including financial and reputational damage of such entity / citizen.

13. From a perusal of the above, we are of the view that in case of a cyber crime, the Investigating Officer is required to not only issue notice under Section 94/106 of the B.N.S.S., 2023 to the banks concerned but the same must contain the amount for which lien is sought. A blanket notice without indicating the amount, on which lien is being sought, would be illegal and arbitrary. Furthermore, the Investigating Officer is required to intimate the jurisdictional Magistrate of the said cyber crime and inform the banks of the case number that has been registered on basis of which said lien / freezing is sought.

14. In several of these cases, we are finding that the debit freeze is sought on the entire account of the petitioners without providing to the bank the seizure notice that is required to be issued by the Investigating Officer. Furthermore, details of cases that have been registered before the court concerned are also not provided to the banks, who in turn cannot provide it to the persons whose accounts are being frozen / lien being created."

7. In our view, the principles summarized in the said judgment categorically require the Cyber Crime Division to provide details of the crime for which the said freezing is being done and, furthermore, to indicate the amount for which such lien is required to be created. Furthermore, we have no information as to whether the Investigating Officer has filed a proper case before the Magistrate concerned with regard to this particular matter.

8. In light of the same, we are unable to sustain and countenance the mechanism that is being used by the Investigating Officer, wherein the entire account of the petitioner has been frozen.

9. In light of the same, the impugned notice is quashed and set aside, with a direction upon the Bank concerned to immediately defreeze the account of the petitioner and allow the petitioner to carry out

normal banking activities.

10. With the above direction, the writ petition is **disposed of**.

March 25, 2026

cks/-

(Indrajeet Shukla,J.) (Shekhar B. Saraf,J.)