

APHC010691882025



IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3560]

MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION NO: 35975/2025

Between:

1. GHISALAL JAIN, S/O. PUNAM CHAND JAIN, AGED ABOUT 62 YEARS, R/O. D.NO. 60-9- 10, 2ND FLOOR, PINNAMANENI POLYCLINIC ROAD, SIDDHARDHA NAGAR, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, IS REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF HOME, A. P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH.

2. THE COMMISSIONER OF POLICE, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH.

3. THE STATION HOUSE OFFICER, CYBER CRIME POLICE STATION, VIJAYAWADA, NTR DISTRICT, ANDHRA PRADESH.

4. AXIS BANK, REP BY ITS MANAGER, C/O. KHASRA NO.337, GRAM ROORKEE ROAD, CHUTMALPUR, BADKALAN, SAHARANPUR DISTRICT, UTTAR PRADESH- 247662. .

5. BANK OF BARODA, REP BY ITS MANAGER, C/O. LBS ROAD, KURLA (WEST), MUMBAI, MAHARASHTRA-400070. AU SMALL FINANCE BANK REP BY ITS MANAGER, C/O. GROUND FLOOR,

44/3A, SARAT BOSE ROAD, KOLKATA, WEST BENGAL-700020

6.AXIS BANK, REP BY ITS MANAGER, C/O. KANSAI ROAD, BHIDEWADI, THANE, MAHARASHTRA-421501.

7.KOTAK MAHINDRA BANK, REP BY ITS MANAGER, C/O. GROUND FLOOR, GHANTAKARNA MARKET, AHMEDABAD, GUJARAT-380002.

8.IDBI BANK, REP BY ITS MANAGER, C/O. GOVERNORPETA, VIJAYAWADA, ANDHRA PRADESH-520003.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ Order or direction, particularly, one in the nature of a writ of Mandamus declaring the inaction of Respondent No.3 in not defreezing the bank accounts and not transferring the amount belonging to the petitioner from Respondent Nos.4 to 8 Banks into the petitioner's bank. Respondent No.9, despite the order dated 22.09.2025 passed in CrI.M.P.No.2902/2025 in Cr.No.76/2025 on the file of the Court of the III Additional Chief Judicial Magistrate, Vijayawada. Such inaction is illegal, arbitrary, violative of statutory duties, and infringes the petitioner's fundamental rights guaranteed under Articles 14 and 21 of the Constitution of India, and Consequently, direct the Respondent No.3 to defreeze the bank accounts and transfer the said amount into the petitioner's bank. Respondent No.9, in terms of the order dated 22.09.2025 passed in CrI.M.P.No.2902/2025 and to pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct Respondent No.3 to defreeze the bank accounts and transfer the amount into the petitioner's bank account and pass order or orders in accordance with law pending disposal of the above writ petition and to pass

IA No:1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased May be pleased to permit the amendment of the cause title in respect of Respondent No.4 in the above writ petition AS 4. Axis Bank rep by its

Manager, C/o. Makhanpur Branch, Bhagwanpur City, Haridwar District, Uttarakhand State-247661. INSTEAD OF 5. Axis Bank rep by its Manager, C/o. Khasra No.337, Gram Roorkee Road, Chutmalpur, Badkalan, Saharanpur District, Uttar Pradesh- 247662 and pass

Counsel for the Petitioner:

1. ALLA TARUN KUMAR

Counsel for the Respondents:

1. GP FOR HOME

The Court made the following:

THE HON'BLE SRI JUSTICE SUBHENDU SAMANTA

WRIT PETITION NO: 35975/2025

ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, declaring the inaction of the 3rd respondent in not complying with the directions issued by the jurisdictional Magistrate in Crime No.76 of 2025 of Cyber Crime Police Station, Vijayawada, NTR District.
2. On perusal of the impugned order, dated 22.09.2025, in Crl.M.P.No.2902 of 2025, it appears that the petitioner had filed an application under Sections 497 and 503 of the BNSS seeking release of the frozen bank account and to direct the police concerned to get transfer a sum of Rs.68,78,206/- to his account maintained with IDBI Bank. Learned trial court, after hearing the parties, allowed the application and issued necessary directions to the concerned police authority in tune with the prayer of the petitioner.
3. The grievance of the petitioner is that the 3rd respondent police authority has failed to comply with the said directions. If the petitioner is aggrieved by such non-compliance, the proper course available to him is to approach the learned jurisdictional Magistrate and bring the non-compliance to the notice of the court. The petitioner has approached this Court seeking a direction upon the respondents so that the order of learned trial court may be executed.

4. The High Court, while exercising jurisdiction under Article 226, cannot *ipso facto* interfere with judicial proceedings which was already initiated pursuant to registration of the crime. The learned Judicial Officer is competent enough to pay heed to the grievance of the petitioner. The petitioner, being the victim, must have approached this Court under misconception.
5. Accordingly, the writ petition is disposed of, granting liberty to the petitioner to approach the learned jurisdictional Magistrate in Crime No.76 of 2025 for seeking necessary relief.
6. It is made clear that this Court has not entered into the merits of the matter. The learned jurisdictional Magistrate shall pass necessary order according to law as early as possible, preferably within two weeks from the date of filing of application. No order as to costs.
7. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE SUBHENDU SAMANTA

Dt.04.05.2026
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