

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM**

Wednesday, the 10th day of December 2025 / 19th Agrahayana, 1947
WP(C) NO. 43123 OF 2025

PETITIONER:

BLUE STAR ALUMINIUM & DOOR HOUSE REPRESENTED BY ITS PROPRIETOR MR
VEERAN KUTTY , AGED 51 YEARS S/O MUHAMMED , RESIDING AT MASSIKKAL ,
CHELAKODE, THRISSUR DISTRICT , KERALA, PIN - 680587

RESPONDENTS:

1. THE FEDERAL BANK LTD , REPRESENTED BY ITS AUTHORIZED OFFICER
CHERUTHURUTHY BRANCH , GROUND FLOOR , SREEHARI ARCADE ,
CHERUTHURUTHY , THRISSUR DISTRICT , KERALA, PIN - 679531
2. ADDITIONAL DIRECTOR GENERAL OF POLICE MAHARASHTRA STATE CYBER , 102
& 103 , SECTOR 2 , MILLENIUM BUSINESS PARK , MAHAPE , NAVI MUMBAI ,
MAHARASHTRA EMAIL : IG.CBR-MAH@GOV.IN , PI2.CPAW-MAH@GOV.IN, PIN -
400710

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to Issue a Writ of Mandamus or any appropriate writ/order/direction commanding Respondent No.1 to lien on the petitioner's account shall be confined to the disputed amount mentioned in Ext.P2 & to allow permitting bank account operations .

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.MUHAMMED ZAIN SHABEER P.P., SHIBU BABU, ANISH M.M, ARUN KUMAR C.S., RIYAS B.S., DHANYA PALAN, VIMAL KUMAR.A.V. & MUHAMMADALI MANEKKATHODI, Advocates for the petitioner, the court passed the following:

M.A ABDUL HAKHIM, J.

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Dated this the 10th day of December, 2025

1. This Writ Petition seeking direction to the Respondent/Bank to unfreeze the bank account of the Petitioner. Every day this Court has been dealing with nearly 200 cases involving financial cyber fraud with respect to bank accounts. Sometimes, Banks freeze the accounts based on the Requisitions received by the Banks from Police Authorities, and sometimes the Banks freeze the accounts based on their own suspicion. The power of the Banks to freeze the accounts in the absence of any Requisition from a Police Authority is already dealt with by this Court in ***Abdul Azeez v. Union of India [2025 KLT OnLine 3447]***.
2. The Requisitions from the Police Authorities usually include for full debit freeze and/or for full credit freeze,

or for debit freeze/hold/lien for specified amounts. Several Requisitions are received from the National Cyber Crime Reporting Portal (NCCRP). Some of those Requisitions are issued without showing the details of the Police Station that is to conduct the investigation of the crime.

3. In most of the Writ Petitions, the prayer of the Petitioner is to de-freeze his account, stating that he has no involvement in the alleged crime, that he got part of the amount involved in the crime out of a genuine business transaction without knowledge of the crime. Surprisingly, in most of the Writ Petitions, the details of such a genuine transaction, or even the nature of the business of the petitioner, are not stated. Many Writ Petitions are filed by persons who have just crossed the majority. In several cases, Banks report huge numbers of transactions involving Crores of Rupees within a short

span after opening the accounts, which do not match the details furnished to the Banks by the Account Holders.

4. Even if the Petitioner is entitled to get the reliefs prayed by him based on the legal contentions advanced by him, still this Court has ample discretion to deny the reliefs while exercising its jurisdiction under Article 226 of the Constitution of India considering the totality of the circumstances, when this Court has reason to believe that the petitioner has been operating his account to facilitate cyber fraud. In most cases, the Petitioners allege procedural violations in the freezing or lien marking of the bank accounts. Even if this Court finds such a procedural violation, this Court used to deny the reliefs when this Court has reasons to believe that the Petitioner has been operating his account to facilitate financial cyber fraud.

5. Another relevant factor is that most of these Writ Petitions are filed through young members of the bar,

without sufficient pleadings and prayers. It appears that some of the Writ Petitions are AI-generated and do not contain the basic material facts. Instances are several where the Advocates are not even able to answer or explain the queries put to them by this Court with reference to the pleadings in the Writ Petitions. I understand from the Registry of this Court that it is under this subject that the highest number of cases are filed in this Court, which necessitated the constitution of a new subject roster for the listing of cases.

6. There are contentions from the Banks that the Petitioners permit the operation of the account by others, either by selling the accounts or under some other arrangements. The complexity of the Account Holders in the Cyber Crime could not be decided by this Court with reference to the number of transactions in which his account is involved, the magnitude of amounts involved, the layer number of the transactions, etc. In

certain cases, the Account Holders are keeping mule accounts for facilitating financial cyber fraud. In certain cases, the Account Holders are innocent persons who receive money from others which are legally due to them, which may be a part of the money involved in a crime, without any knowledge of the said crime. In most of the cases filed in this Court, the Requisitioning Authorities beyond the State of Kerala do not respond to the notices issued to them by this Court in the Writ Petitions. This Court can consider only the pattern of the transactions to decide the cases. This Court will not be in a position to identify the wrongdoers and the victims of the cyber frauds without the assistance of the Requisitioning Authorities. The abstinence of the Requisitioning Authorities from appearing despite notice to them makes the situation more worse and allows the escape of the culprits, resulting in loss of money to the victims of financial cyber fraud.

7. Recently, this Court received a Letter from a person who has been in jail stating that he came to know that somebody has filed a Writ Petition in his name without his knowledge and consent. This Court believes that the jurisdiction of this Court is being misused by the persons regularly involved in financial cyber fraud, even without knowledge of the Petitioners shown in the Writ Petition, by producing forged documents.

8. The above-said facts persuade this Court to exercise greater caution while dealing with Writ Petitions seeking the de-freezing of accounts. It is to be ensured that the Writ Petitions are really filed by persons who are shown as the Petitioners therein. This Court deems it necessary to direct the impleadment of the Police Station which covers the area of the address of the Petitioner, which is shown in the Writ Petition, in all these Writ Petitions to confirm that the filing of the Writ Petitions is by the Petitioners themselves and also to get

the details of the Petitioners in order to enable this Court to form a prima facie opinion. Hence, the Petitioner is directed to implead the SHO of the Police Station that covers the area of the Petitioner's address, which is shown in the Writ Petition.

9. The Registry of this Court is directed to ensure that the SHO of the Police Station which covers the area of the Petitioner's address is made a party in all the Writ Petitions pertaining to the de-freezing of accounts, before numbering the same, until further orders.

10. Post this Writ Petition on 15.12.2025.

Sd/-
M.A ABDUL HAKHIM
JUDGE

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APPENDIX OF WP(C) 43123/2025

Exhibit P2

**TRUE COPY OF COMMUNICATION / INSTRUCTIONS RECEIVED FROM
1ST RESPONDENT HIGHLIGHT THE REASON OF DISPUTED
TRANSACTION AND LEAD TO DEBIT FREEZE DATED ON
28.10.2025**

