



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 27278 OF 2025 (GM-RES)

BETWEEN:

PALAK ENTERPRISES
R/P BY ITS PROPRIETOR,
SUSHIL KUMAR
S/O SURENDER KUMAR
AGED ABOUT 50 YEARS,
R/@ HOUSE NO. 265,
POST GHASOLI, TEHSIL-GANAUR,
GHASOLI, SONIPAT, HARIYANA. 131101.

...PETITIONER

(BY SRI. RAMESH YANKOB.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY COMMISSIONER OF POLICE,
BANGALORE CITY,
ALI ASKER RD, VASANTH NAGAR,
BENGALURU, KARNATAKA 560051
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA.
2. THE STATE OF KARNATAKA
POLICE INSPECTOR,





WHITEFIELD PS,
BANGALORE-560066
REPRESENTED BY SPP
HIGH COURT OF KARNATAKA.

3. THE STATE OF KARNATAKA
REPRESENTED BY,
THE SECRETARY
DEPARTMENT OF HOME AFFAIRS
AMBEDKAR VEEDHI,
VIDHANA SOUDHA,
BENGALURU-560 001.

4. INDUSIND BANK
REPRESENTED BY, THE BRANCH MANAGER
INDUSIND BANK, @
SADAR BAZAR,
NEW DEHLI.110006.

...RESPONDENTS

(BY SRI. SHANTHI BHUSHAN A/W
SRI. P. PRASANNA KUMAR A/W
SRI. H.V. BHANUPRAKASH AMICUS CURIAE
SRI. V. SHIVAREDDY., AGA FOR R1 TO R3;
SRI. D. NARAYANASWAMY., ADVOCATE FOR R4)

THIS W.P. IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT THE R-4
TO DEFREEZE THE ACCOUNTS OF THE PETITIONER
AND PERMIT THE PETITIONER HEREIN TO USE AND
OPERATE THE BANK ACCOUNT OF PETITIONER
BEARING NO. 201003285726, IFSC-INDB0001422



MAINTAINED IN INDUSLAND BANK SADAR BAZAR
BRACH AT NEW DELHI.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner seeks directions to the fourth respondent-Bank to de-freeze its account and to permit it to operate its bank account. This Court has heard not just Sri Ramesh Yankob, the learned counsel for the petitioner but also the learned counsel for the fourth respondent-Bank and Sri H.V. Bhanu Prakash, the learned Additional Advocate General, Sri P. Prasanna Kumar and Sri Shanthi Bhushan H, the learned *amici curiae*, who are assisting this Court in disposal of similar matters.

2. The petitioner's grievance is because the fourth respondent-Bank has frozen its account. The



Bank has frozen its account because of the communication from the Police Department as mentioned in this petition. Sri Ramesh Yankob submits, with the advantage of the arguments that have been advanced on the larger question on whether the account holders must receive due information about the amounts marked for lien on receipt of complaints, that the grievance of this petitioner would be addressed if this Court disposes of the petition with directions to the Bank to limit freezing to the amount marked for lien by the concerned Police and permit it to operate the account beyond the amount marked for lien.

3. Sri H.V. Bhanu Prakash and Sri Shanthi Bhushan H are categorical that instructions have been issued to all the Banks to limit the de-freezing to the amounts marked for lien and not restrict the account holders from operating the accounts beyond the amounts marked for lien. In fact, Sri H.V. Bhanu



Prakash invites this Court's attention to the Circular dated 20.07.2024 and the Standing Order No.1041 dated 18.03.2025 to emphasize that the Police Investigation Authorities within the State have been called upon not to issue any directions to freeze the bank accounts without justifiable reasons and if an account has to be frozen, it should only be to the extent of the suspected transaction. The relevant part of the Circular reads as under:

"ಯಾವುದೇ ತನಿಖೆ ಸಂಬಂಧ ಆರೋಪಿತ ವ್ಯಕ್ತಿ ಅಥವಾ ಇತರ ಯಾವುದೇ ವ್ಯಕ್ತಿಗಳ ಅಥವಾ ಸಂಸ್ಥೆಗಳ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳಲ್ಲಿ ತನಿಖೆಗೆ ಸಂಬಂಧಿಸಿದ ಮೊತ್ತ ಜಮೆ ಆಗಿದ್ದಲ್ಲಿ ಅಥವಾ ಇತರ ಸಂದರ್ಭಗಳಲ್ಲಿ ಈ ಕೆಳಗಿನ ಕ್ರಮಗಳನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದು.

- 1) ಮೊದಲನೆಯದಾಗಿ ಸಕಾರಣವಿಲ್ಲದೆ ಯಾವುದೇ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳನ್ನು ಫ್ರೀಜ್ ಮಾಡತಕ್ಕದ್ದಲ್ಲ. ಒಂದು ವೇಳೆ ಫ್ರೀಜ್ ಮಾಡುವ ಸಂದರ್ಭ ಬಂದಲ್ಲಿ ಸಂಶಯಾಸ್ಪದ ಮೊತ್ತ (Lien Amount) ವನ್ನು ಮಾತ್ರ ಫ್ರೀಜ್ ಮಾಡತಕ್ಕದ್ದು. ಸಂಪೂರ್ಣ ಬ್ಯಾಂಕ್ ಖಾತೆಯನ್ನು ಫ್ರೀಜ್ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.
- 2) ಒಂದು ವೇಳೆ ಸಂಪೂರ್ಣ ಖಾತೆಯನ್ನು ಫ್ರೀಜ್ ಮಾಡಬೇಕಾದಲ್ಲಿ ಸೂಕ್ತ ಸಮಜಾಯಿಷಿ ಮತ್ತು ಸಕಾರಣಗಳೊಂದಿಗೆ ತಮಗೆ ಸಂಬಂಧಪಟ್ಟ ಅಪರ ಪೊಲೀಸ್ ಆಯುಕ್ತರು ರವರಿಂದ ಲಿಖಿತ ಅನುಮತಿ ಪಡೆದು ಫ್ರೀಜ್ ಮಾಡುವುದು.
- 3) ಯಾವುದೇ ಬ್ಯಾಂಕ್‌ನೊಂದಿಗೆ ಪತ್ರ ವ್ಯವಹಾರ ಮಾಡಿದಾಗ Bankers Books Evidence Act-1891 ನಲ್ಲಿ ನೀಡಿರುವ ಸೂಚನೆಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಪಾಲನೆ ಮಾಡತಕ್ಕದ್ದು.



- 4) ಯಾವುದೇ ಬ್ಯಾಂಕ್ ಖಾತೆಗಳನ್ನು ಮತ್ತು ಖಾತೆಗಳ Lien Amount ಗಳನ್ನು ಫ್ರೀಜ್ ಮಾಡಿದಲ್ಲಿ, ಕೂಡಲೆ ಈ ಮಾಹಿತಿಯನ್ನು ಸಂಬಂಧಪಟ್ಟ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಡ್ಡಾಯವಾಗಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.
- 5) ಈ ಸುತ್ತೋಲೆಯನ್ನು ಮೀರಿ ವರ್ತಿಸುವ ತನಿಖಾಧಿಕಾರಿಗಳ ವಿರುದ್ಧ ಸಹಾಯಕ ಫೋಲೀಸ್ ಆಯುಕ್ತರು/ ಉಪ ಫೋಲೀಸ್ ಆಯುಕ್ತರುಗಳು ಶಿಸ್ತಿನ ಕ್ರಮಕ್ಕಾಗಿ ವರದಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು."

In the light of this, the petitioner seeks disposal of the petition with a direction to the fourth respondent-Bank to limit the freezing to the amount marked for lien and this Court is of the view that the petition, without prejudice to the petitioner's rights, otherwise must be disposed of directing the fourth respondent-Bank to communicate the amount marked for lien as part of investigation and permit the petitioner to operate the account otherwise. As such, the following

ORDER

- [i] The petition is disposed of directing the fourth respondent-Bank to communicate to the petitioner the amount that is marked for lien by the authorities and



also permit the petitioner to operate the account beyond the amount marked for lien.

[ii] The petitioner is reserved with liberty to file a certified copy of this order within two [2] weeks from the date of receipt of a copy of this order and the fourth respondent-Bank shall inform the amount marked for lien and permit the petitioner to operate the account beyond such amount forthwith.

[iii] It is needless to observe that if the authorities for reasons have not marked the amount to be on lien, the petitioner must avail its remedy in accordance with law.

Sd/-
(B M SHYAM PRASAD)
JUDGE

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