HC-KAR

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 22ND DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.201962 OF 2026 (GM-RES)

BETWEEN:

SRI. AMOL S/O ANANTARAO KOLESHWAR,
AGE: 51 YEARS, OCC: REGIONAL MANAGER,
MAX LIFE INSURANCE PVT. LTD.,
R/O H.NO.C-04, DSK VISHWA DHAYARI PUNE-41,
MAHARASHTRA.

…PETITIONER

(BY SRI PATIL SHIVKUMAR DEVENDRAPPA, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
THROUGH APMC POLICE STATION,
VIJAYAPURA-586101.

2. DR. SUBHASHACHANDRA MUDANOOR,
R/O KALYAN NAGAR BLDE ROAD,
VIJAYAPURA-586101
DEFACTO COMPLAINANT.

3. THE MANAGER
KOTAK MAHINDRA BANK,
TIDKE NAGAR BRANCH, NASHIK-422001.

…RESPONDENTS

(BY SRI MALLIKARJUN SAHUKAR, AGA FOR R1;
SRI SANTOSHKUMAR B. BIRADAR, ADVOCATE FOR
SRI SHIVANAND V. PATTANSHETTI, ADVOCATES FOR R2;

Digitally signed by NIJAMUDDIN JAMKHANDI
Location: HIGH COURT OF KARNATAKA

SRI J. PATIL AND SRI CHAITANYAKUMAR C. M., ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT IN NATURE O MANDAMUS DIRECTING THE RESPONDENT NO.1 TO DEFREEZE THE PETITIONER SALARY ACCOUNT BEARING NO.0150601829 MAINTAINED WITH RESPONDENT NO.3 BANK IN CONNECTION WITH CRIME NO. 11/2026 OF APMC POLICE STATION VIJAYAPURA; B) PASS SUCH OTHER ORDER OR DIRECTION AS THIS COURT DEEMS FIT IN THE FACTS AND CIRCUMSTANCES OF THE CASE.

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

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

> *"a) Issue a writ in nature o mandamus directing the respondent No.1 to defreeze the petitioner salary account bearing No.0150601829 maintained with respondent No.3 bank in connection with Crime No. 11/2026 of APMC Police Station Vijayapura;*
>
> *b) Pass such other order or direction as this court deems fit in the facts and circumstances of the case."*

2. A perusal of the material on record will indicate that pursuant to the complaint dated 13.02.2026 filed by respondent No.2/*de facto* complainant, respondent No.1

police authorities have registered an FIR in Crime No.11 of 2026 dated 13.02.2026 against the petitioner (accused No.1) and Yogesh Shantaram Kadam (accused No.2) for offences punishable under Section 316(2) and 318 (4) of the Bharatiya Nyaya Sanhita, 2023. In the said proceedings, the petitioner and accused No.2 have obtained anticipatory bail in Crl.Misc.No.234 of 2026 dated 09.03.2026 passed by the Sessions Court and the petitioner is co-operating with the ongoing investigation.

3. It is the grievance of the petitioner that despite the investigation still going on, pursuant to the complaint given by respondent No.2 – *de facto* complainant, respondent No.1 has proceeded to freeze the salary account of the petitioner in respondent No.3 - Bank which has issued a communication Annexure-E1 intimating the petitioner that the entire account has been debit frozen from 07.05.2026, as a result of which the petitioner is not in a position to withdraw the salary being deposited in the said account resulting in irreparable injury and hardship to

the petitioner, who is before this Court by way of the present petition.

4. *Per contra*, learned Additional Government Advocate for respondent No.1, learned counsel for respondent No.2 – *de facto* complainant and learned counsel for respondent No.3-Bank would jointly submit that in the light of the complaint given by respondent No. 2 – *de facto* complainant, respondent No.1 was fully justified in freezing the salary account of the petitioner and as such there is no merit in the petition and the same is liable to be dismissed.

5. By way of reply, learned counsel for the petitioner would submit that in addition to debit freezing the salary account of the petitioner in respondent No.3 - Bank, the account of the petitioner in AXIS bank has also been frozen and the petitioner has no objection for the said freezing order to continue till filing of final report by respondent No.1 - police authorities.

6. A perusal of the material on record and the aforesaid facts and circumstances is sufficient to come to the conclusion that apart from the fact that the account of the petitioner in AXIS Bank has been frozen pursuant to the complaint given by respondent No.2, in the absence of any statutory provision which empowers, authorises or entitles respondent No.1 to debit freeze the salary account of the petitioner in respondent No.3 - Bank, merely on the basis of a complaint given by respondent No.2, which is still pending investigation as an FIR in Crime No.11 of 2026, I am of the considered opinion that respondent No.1 is to be directed to defreeze the petitioner's salary account bearing No.0150601829 immediately upon receipt of a copy of this order by quashing the communication at Annexure E1 issued by respondent No.3.

7. In the result, the following:

ORDER

(i) The petition is hereby ***allowed***.

(ii) The communication at Annexure-E1 issued by respondent No.3 is hereby quashed.

(iii) Respondent No.1 is hereby directed to defreeze the petitioner's salary account bearing No.0150601829 maintained with respondent No.3 – Bank within a period of ***three days*** from the date of receipt of a copy of this order.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SWK
LIST NO.: 3 SL NO.: 17
CT:SI