



2026:CGHC:17953-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 162 of 2026**

Shaban Ali Transport Service Through Its Proprietor Shri Shaban Ali,
S/o Shri Ramjan Khan, Aged About 52 Years, R/o Indraprastha Colony,
Seepat Road, Sarkanda, District Bilaspur Chhattisgarh

... Petitioner**versus**

1 - Union of India Through The Director, Indian Cyber Crime
Coordination Centre (I4C), Ministry of Home Affairs, Government of
India, New Delhi

2 - State of Chhattisgarh Through The Secretary, Department of Home,
Government of Chhattisgarh, Mantralaya, Mahanadi Bhawan, Naya
Raipur, District Raipur Chhattisgarh

3 - Superintendent of Police/ In-Charge Integrated Command And
Control Center (ICCC), Tarbahar Naka Police Station, Bilaspur, District
Bilaspur Chhattisgarh

4 - S H O Police Station Gudyari, District Raipur Chhattisgarh

5 - State Bank of India Through The Branch Manager, Sipat Branch,
Sipat, District Bilaspur Chhattisgarh

6 - Bank of Baroda Through Branch Manager, Rajkisore Nagar Branch,
Bilaspur, District Bilaspur, Chhattisgarh

7 - Shri Anshul Ghodheswar Aged About 27 Years R/o Gondwara Road,
Chirkuti Mandir, Ekta Nagar, Gudhiyari, Raipur, District Raipur
Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)



For Petitioner	:	Mr. Syed Md. Sohail Afzal, Advocate
For Union of India	:	Mr. Ramakant Mishra, DSGI
For State	:	Mr. Shashank Thakur, Additional Advocate General
For Respondent No.5	:	Mr. Pranjal Agrawal, Advocate
For Respondent No.7	:	Mr. Sameer Rigri, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

20.04.2026

1. Heard Mr. Syed Mohammad Sohail Afzal, learned counsel for the petitioner. Also heard Mr. Ramakant Mishra, learned Deputy Solicitor General appearing for the Union of India/respondent No.1, Mr. Shashank Thakur, learned Additional Advocate General, appearing for the State/respondents No.2 to 4, Mr. Pranjal Agrawal, learned counsel appearing for respondent No.5 as well as Mr. Sameer Rigri, learned counsel appearing for respondent No.7.
2. By filing the present petition under Article 226 of the Constitution of India, the petitioner assails the Cyber Crime Complaint Acknowledgement Nos. 33307250020284 and 33307250020280 dated 28.07.2025 (Annexure P-1), registered on the National Cyber Crime Reporting Portal under the administrative control of respondent No.1 at the instance of respondent No.7, as well as all consequential coercive actions arising therefrom, including the



communication issued by respondent No.3 pursuant to which lien/debit hold has been marked on the petitioner's bank accounts by respondents No.5 and 6, and the initiation of enquiry proceedings requiring the petitioner to appear before the Cyber Crime Unit, Bilaspur. The petitioner has prayed for following relief(s) :-

“10.1 Issue an appropriate writ, order or direction quashing the Cyber Acknowledgement Complaint Crime Nos. 33307250020284 and 33307250020280 dated 28.07.2025 (Annexure P-1) registered on the National Cyber Crime Reporting Portal at the instance of Respondent No.7.

10.2 Issue an appropriate writ directing Respondent No.3 to withdraw/recall the communication issued to Respondent Nos.5 and 6 pursuant to which lien/debit hold has been marked on the petitioner's bank accounts.

10.3 Issue an appropriate writ directing Respondent Nos.5 and 6 to immediately remove the lien/debit hold marked on the petitioner's bank accounts and permit normal banking operations.

10.4 Issue an appropriate writ restraining the respondents from taking any coercive steps against the petitioner pursuant to the impugned cyber complaint acknowledgements.

10.5 Award cost of the petition in favour of the petitioner.”



- 3.** Brief facts of the case, in a nutshell, are that the petitioner is a lawful businessman engaged in the business of coal trading and transportation and, in the ordinary course of such business, maintains and operates bank accounts with respondent Nos.5 and 6 for facilitating his commercial transactions. On the instructions of respondent No.7, the petitioner generated tax invoices dated 22.07.2025 in favour of M/s Shree Tathagata Traders for supply of coal of specified quantities and value. Pursuant thereto, respondent No.7 made part payments on 22.07.2025 and 23.07.2025, which stand duly reflected in the bank statements of the petitioner.
- 4.** Thereafter, respondent No.7 requested the petitioner to dispatch the coal despite not having cleared the entire outstanding amount, which was contrary to the express terms and conditions of the invoices stipulating that dispatch would be effected only upon receipt of full payment. Subsequently, respondent No.7, without any justification and unilaterally, cancelled the order on 25.07.2025 through a WhatsApp communication, while still failing to clear the outstanding dues payable to the petitioner.
- 5.** In continuation thereof, respondent No.7, with an intent to exert pressure upon the petitioner and to give a criminal colour to what is essentially a commercial transaction, lodged complaints on the National Cyber Crime Reporting Portal, which came to be registered on 28.07.2025. Acting upon the said complaints,



respondent No.3 issued communications to the concerned banks, pursuant to which respondent Nos.5 and 6 marked lien/debit hold on the petitioner's bank accounts, thereby seriously hampering the petitioner's financial operations and day-to-day business activities.

6. Aggrieved by such action, the petitioner approached the Superintendent of Police, Bilaspur as well as the concerned police station, which led to registration of NCR No.0127/2025. In the interregnum, a legal demand notice was also issued on behalf of respondent No.7 seeking recovery of alleged amounts arising out of the said transaction.
7. Being further aggrieved by the freezing of his bank accounts, the petitioner preferred an application before the Court of Chief Judicial Magistrate, Bilaspur seeking defreezing of the said accounts; however, the same came to be rejected, and the criminal revision preferred thereagainst was also dismissed.
8. It is the specific case of the petitioner that respondent No.3 has adopted contradictory stands, inasmuch as on one hand it has denied any role in the matter, while on the other hand, it is at its instance that communications were issued to the banks resulting in freezing of the petitioner's accounts. Consequently, the petitioner continues to suffer grave prejudice on account of the subsisting cyber complaints and the consequential freezing of his bank accounts.



- 9.** Learned counsel for the petitioner submits that the impugned Cyber Crime Complaint Acknowledgement Nos. 33307250020284 and 33307250020280 dated 28.07.2025 are wholly arbitrary, illegal and unsustainable in law, inasmuch as the allegations levelled therein arise out of a purely civil and commercial transaction between the parties. It is contended that the dispute pertains to non-payment of balance sale consideration and subsequent cancellation of a supply order, which is squarely governed by the principles of contract law. However, respondent No.7, with an oblique motive to exert undue pressure upon the petitioner, has deliberately given a criminal colour to the said dispute by invoking the machinery of the National Cyber Crime Reporting Portal, which amounts to a colourable exercise of process of law.

- 10.** It is further submitted that the initiation of enquiry proceedings pursuant to such complaints, without registration of any First Information Report and in the absence of any prima facie ingredients constituting a cyber offence, is ex facie without jurisdiction and contrary to settled principles of criminal jurisprudence. Learned counsel submits that the consequential action of freezing the petitioner's bank accounts by respondent Nos.5 and 6, allegedly at the instance of respondent No.3, has been undertaken without any judicial order or statutory backing, thereby rendering the same manifestly arbitrary, illegal and violative of the petitioner's legal rights.



11. Learned counsel also draws attention to the contradictory stands adopted by respondent No.3 before the Court of Chief Judicial Magistrate, Bilaspur. On one hand, respondent No.3, vide communication dated 08.08.2025, has disclaimed its role by stating that the matter pertains to respondent No.4, while on the other hand, respondent Nos.5 and 6 have categorically stated before the said Court that the petitioner's bank accounts were frozen pursuant to the communication issued by respondent No.3. Such inconsistency, it is submitted, clearly reflects arbitrariness and lack of transparency in the actions of the authorities.
12. Placing reliance upon the judgment of the Hon'ble Supreme Court in ***Mitesh Kumar J. Shah v. State of Karnataka, 2021 INSC 675***, learned counsel submits that it is well settled that criminal proceedings arising out of purely civil and commercial disputes amount to abuse of the process of law and are liable to be quashed. It is further contended that the freezing of the petitioner's bank accounts has resulted in severe financial hardship and disruption of his lawful business activities, thereby infringing his fundamental rights guaranteed under Articles 14, 19(1)(g) and 300A of the Constitution of India, and on this ground as well, the impugned actions deserve to be set aside.
13. On the other hand, learned Deputy Solicitor General appearing for the Union of India/respondent No.1 submits that the impugned action has been undertaken strictly in accordance with law and



within the bounds of the authority vested in the concerned agencies. It is contended that the complaints in question were duly registered on the National Cyber Crime Reporting Portal on the basis of information furnished by respondent No.7, and upon receipt of such complaints, the competent authorities were obliged to initiate preliminary enquiry to ascertain the nature and extent of the alleged transactions. It is further submitted that the communication issued to the banks and the consequent marking of lien/debit hold on the petitioner's accounts were precautionary measures adopted in order to safeguard the interests of the complainant and to prevent any possible dissipation or diversion of funds during the pendency of enquiry. Learned counsel submits that such action is administrative in nature and forms part of the investigative process, which cannot be said to be arbitrary or without jurisdiction at this stage. He also submits that the petitioner has an efficacious alternative remedy available under law, including participation in the ongoing enquiry and availing appropriate remedies before the competent forum, and therefore, the present petition is premature. It is contended that no final adverse order has yet been passed against the petitioner and the matter is still at a nascent stage of enquiry, warranting no interference by this Court.

14. Learned Additional Advocate General appearing for the State/respondent Nos.2 to 4 vehemently opposes the submissions advanced on behalf of the petitioner and submits, at



the very outset, that the present writ petition is wholly misconceived, devoid of merits and liable to be dismissed in limine. It is contended that the petitioner has not approached this Court with clean hands and has suppressed material facts while projecting a one-sided narrative in an attempt to mislead the Court. Learned counsel submits that the complaints bearing Cyber Crime Acknowledgement Nos. 33307250020284 and 33307250020280 dated 28.07.2025 were duly lodged by respondent No.7 on the National Cyber Crime Reporting Portal disclosing allegations of cognizable offences involving financial transactions through banking channels, thereby necessitating immediate attention and preliminary inquiry by the competent police authorities.

- 15.** It is further submitted that upon receipt of the said complaints, respondent No.4, being the jurisdictional police authority, initiated necessary steps strictly in accordance with law and established procedure to verify the allegations and to ensure that the subject matter of the complaint is preserved during the course of inquiry. Learned Additional Advocate General submits that, as part of such preliminary inquiry and as a precautionary measure to prevent dissipation or diversion of the disputed funds, a communication was issued to the concerned banks for placing a temporary lien/hold over the amounts in question. Such action, it is contended, is a recognized and permissible step in cases involving financial transactions and cannot be termed as arbitrary.



- 16.** Refuting the allegations made by the petitioner, learned counsel specifically submits that respondent No.3 did not issue any communication to the banks for freezing or placing lien on the petitioner's accounts. It is asserted that the said communication was, in fact, issued by respondent No.4 (Station House Officer, Police Station Gudiyari, Raipur) in discharge of lawful duties during the course of inquiry. It is further submitted that respondent No.3 had rightly clarified before the learned Chief Judicial Magistrate that the matter pertained to respondent No.4, and therefore, the allegation of contradictory stands is wholly misconceived. Learned counsel explains that the initial statement made by respondent Nos.5 and 6 (banks) attributing the communication to respondent No.3 was on account of inadvertent error or miscommunication, which stood subsequently clarified upon verification, confirming that the communication originated from respondent No.4.
- 17.** Learned Additional Advocate General further submits that at the stage of receipt of a cyber complaint involving monetary transactions, the police authorities are not expected to conclusively determine whether the dispute is purely civil or criminal in nature. It is argued that where allegations disclose elements of cheating, fraud or misappropriation, the authorities are well within their jurisdiction to conduct a preliminary inquiry. The contention of the petitioner that the dispute is purely civil in nature is, therefore, a matter of defence which cannot be



adjudicated at the threshold in writ jurisdiction, particularly when the complaint requires factual verification.

- 18.** It is also submitted that no coercive action has been taken against the petitioner except for the limited and temporary measure of placing lien/hold over the disputed amount, which itself is subject to the outcome of the inquiry/investigation. The said action has been taken bona fide and in discharge of statutory duties, and does not amount to abuse of process of law as alleged. Learned counsel emphasizes that the authorities have acted strictly within the framework of law and with due regard to the interests of all concerned parties.
- 19.** Lastly, learned Additional Advocate General submits that the petitioner has already availed alternative remedies by approaching the Court of Chief Judicial Magistrate as well as the Revisional Court, and having failed to secure relief therein, has now invoked the extraordinary jurisdiction of this Hon'ble Court, which is not maintainable under the facts and circumstances of the case. It is thus submitted that the present petition, being vague, baseless and devoid of any merit, deserves to be dismissed with costs.
- 20.** Learned counsel appearing for respondent No.5 adopts and concurs with the submissions advanced by learned Additional Advocate General for the State/respondent Nos.2 to 4 and submits that the bank has acted strictly in compliance with the



communication received from the competent authority, without any independent role in the matter.

- 21.** Learned counsel for respondent No.7 opposes the petition and submits that the petitioner has deliberately concealed material facts and has approached this Court with unclean hands. It is contended that respondent No.7 had placed an order dated 22.07.2025 for sampling and transportation of slack coal, which was to be delivered to the end buyer, namely Sauga Bricks Pvt. Ltd., Uttar Pradesh. Pursuant thereto, the petitioner raised an invoice and received payments, including transportation and miscellaneous charges, through multiple banking channels such as UPI, IMPS and NEFT, and in different bank accounts as directed by the petitioner himself.
- 22.** It is further submitted that the payments were made subject to the condition that the petitioner would provide all mandatory statutory documents, including the Transport Permit (TP), which is essential for lawful transportation of coal. However, the petitioner failed to furnish the requisite documents and instead issued receipts and invoices which, upon comparison, are found to be inconsistent and fabricated.
- 23.** Learned counsel submits that the invoices placed on record by the petitioner differ from those actually provided to respondent No.7, and material particulars such as “terms of delivery” have been manipulated to suit the petitioner’s case. He further submits



that the conduct of the petitioner in repeatedly demanding payments, directing transfer of funds into multiple accounts, and failing to perform his part of the contract raised serious suspicion, leading respondent No.7 to lodge a complaint on the National Cyber Crime Reporting Portal. It is contended that the petitioner has engaged in online financial fraud under the guise of business transactions, including through platforms such as IndiaMART, and had no intention from the very inception to fulfill his contractual obligations. It is also submitted that the matter is presently under investigation by the competent police authorities at Police Station Gudiyari, District Raipur, and the investigation is at a nascent stage. In such circumstances, it would be wholly inappropriate to interfere with the ongoing inquiry or to direct defreezing of the petitioner's bank accounts, as the same may prejudice the investigation.

- 24.** In view of the aforesaid, learned counsel submits that the present writ petition is devoid of merit, not maintainable in law, and deserves to be dismissed at the threshold,
- 25.** We have heard learned counsel for the parties at length and have perused the material available on record.
- 26.** Upon due consideration of the rival submissions, this Court finds that the genesis of the dispute between the parties, though emanating from a commercial transaction relating to supply and transportation of coal, cannot be viewed in isolation as a mere



contractual disagreement at this stage. It is apparent from the record that respondent No.7 has levelled specific and serious allegations alleging fraudulent conduct on the part of the petitioner, including inducement to transfer substantial amounts through banking channels, insistence on routing payments through multiple accounts, and failure to honour the contractual obligations despite receipt of consideration. In addition, allegations with regard to fabrication and manipulation of invoices and supporting documents have also been raised. Such assertions, if taken at face value, prima facie indicate elements which transcend a simple civil dispute and may attract penal consequences.

- 27.** At this juncture, when the veracity of these allegations is yet to be tested, this Court is not inclined to conclusively hold that the dispute is purely civil in nature, as sought to be projected by the petitioner. The issues raised involve disputed questions of fact, requiring appreciation of evidence, examination of documents, and possible forensic scrutiny, which are matters best left to be examined by the competent investigating authority.
- 28.** It is not in dispute that, pursuant to the complaints lodged by respondent No.7 on the National Cyber Crime Reporting Portal, the competent police authorities have initiated a preliminary inquiry in accordance with law. The material placed on record further reflects that the inquiry/investigation is at a nascent stage



and is yet to culminate into any final opinion. In such circumstances, this Court, while exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, would exercise restraint and refrain from interdicting the ongoing investigative process.

- 29.** It is well settled that where allegations involve financial transactions through banking systems and disclose potential elements of fraud or misappropriation, the investigating agencies must be afforded adequate latitude to inquire into the matter so as to unearth the true facts. Premature interference at this stage may not only impede the investigation but may also result in miscarriage of justice. Therefore, this Court finds no justifiable ground to stall or curtail the inquiry at this stage, particularly when the matter requires detailed factual examination by the authorities competent in law.
- 30.** So far as the grievance of the petitioner with regard to freezing of his bank accounts is concerned, this Court finds that the material placed on record indicates that the said action has been undertaken during the course of preliminary inquiry as a precautionary measure to preserve the subject matter of the dispute and to ensure that the alleged amount involved is not dissipated or diverted pending investigation. In matters involving financial transactions, particularly where allegations of fraud or misappropriation are under examination, it is a settled practice for



the investigating agency to take protective steps so as to maintain status quo with respect to the disputed funds.

- 31.** At this stage, when the inquiry is still in progress and the allegations are yet to be conclusively adjudicated, such action cannot be characterized as wholly without jurisdiction or patently illegal so as to warrant interference by this Court in exercise of its writ jurisdiction. This is more so when the petitioner has already availed remedies before the competent courts seeking defreezing of the accounts and has not been granted relief therein, which further dissuades this Court from taking a contrary view at this stage.
- 32.** This Court also takes note of the specific stand taken by the respondent authorities that the communication for placing lien/hold over the petitioner's bank accounts was issued by the jurisdictional police authority, i.e., respondent No.4, in discharge of official duties during the course of inquiry. The discrepancy highlighted by the petitioner regarding the alleged role of respondent No.3 appears, prima facie, to have arisen on account of an initial miscommunication or inadvertent error on the part of the banks, which has subsequently been clarified by the authorities concerned.
- 33.** The rival contentions in this regard give rise to disputed questions of fact, including the origin and validity of the communication and the extent of involvement of different authorities, which cannot be



satisfactorily adjudicated in proceedings under Article 226 of the Constitution of India. Such issues would necessarily require examination of records, evidence and factual determination, which fall within the domain of the investigating agency or the competent Court.

- 34.** In view of the aforesaid discussion and for the reasons recorded hereinabove, this Court is of the considered opinion that no case warranting interference in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India is made out. The issues raised in the present petition are not only intertwined with disputed questions of fact, but also require detailed examination of evidence, documents and the conduct of the parties, which cannot be appropriately adjudicated in writ proceedings.
- 35.** This Court further finds that the matter is still at a preliminary stage of inquiry, and any interference at this juncture would be premature and may impede the due course of investigation being carried out by the competent authorities. The allegations, as brought forth, cannot be conclusively categorized as purely civil in nature at this stage, and therefore, it would not be appropriate for this Court to interdict the process initiated pursuant to the complaints.
- 36.** It is also a matter of record that the petitioner has already availed alternative remedies before the competent judicial forums, including approaching the Court of Chief Judicial Magistrate and



the Revisional Court for redressal of his grievance regarding defreezing of bank accounts, and having failed to secure relief therein, has now invoked the writ jurisdiction of this Court. In such circumstances, this Court is not inclined to entertain the present petition, particularly when efficacious remedies have already been exhausted and no exceptional ground has been made out to justify interference.

37. Accordingly, the writ petition, being premature in nature, involving seriously disputed questions of fact, and the petitioner having already availed alternative remedies, does not merit consideration and is liable to be **dismissed**.
38. It is, however, observed that the investigating authorities shall proceed strictly in accordance with law and conclude the inquiry expeditiously. It is further clarified that any observations made herein are only for the purpose of adjudication of the present petition and shall not prejudice the rights of either party in any other proceedings.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice