

Nucleus Hotels And Resorts Llp vs The National Cybercrime Reporting ... on 2 February, 2026

2026:KER:8583

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM

MONDAY, THE 2ND DAY OF FEBRUARY 2026 / 13TH MAGHA, 1947

WP(C) NO. 927 OF 2026

PETITIONER:

NUCLEUS HOTELS AND RESORTS LLP
REPRESENTED BY ITS MANAGING PARTNER, NISHAD N.P, D7,
7TH FLOOR, PALARIVATTOM, NIPPON Q1, HIGH END BUSINESS
PARK, NH 66, CHAKKALAKKAL, VENNALA, ERNAKULAM.,
PIN - 682028

BY ADV SHRI.SACHIN GEORGE ARAMBAN

RESPONDENTS:

- 1 THE NATIONAL CYBERCRIME REPORTING PORTAL
REPRESENTED BY ITS NODAL OFFICER, NATIONAL HIGHWAY -8,
MAHIPALPUR, NEW DELHI., PIN - 110037
- 2 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME
SECRETARIAT, THIRUVANANTHAPURAM,, PIN - 695001
- 3 THE STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHACAD, THIRUVANATHAPURAM.,
PIN - 695014
- 4 THE STATION HOUSE OFFICER
JANAMYTHRI POLICE STATION, PALARIVATTOM P.O,
ERNAKULAM., PIN - 682025
- 5 STATE BANK OF INDIA LTD
REPRESENTED BY MANAGER, STATE BANK BHAVAN, MADAME CAMA
ROAD, NARIMAN POINT, MUMBAI, MAHARASHTRA., PIN - 400021
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- 6 THE BRANCH MANAGER
STATE BANK OF INDIA LTD, ALINCHUVADU BRANCH,
ALINCHUVADU, ERNAKULAM., PIN - 682024
- 7 THE STATION HOUSE OFFICER
WADGAON POLICE STATION, YAVATMAL, MAHARASHTRA.,
PIN - 445001

BY ADV SHRI.TOM K.THOMAS
SRI.JITHESH MENON, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02.02.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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JUDGMENT

1. The Petitioner has filed this Writ Petition challenging the debit freezing/lien of his Bank account with the Respondent/Bank at the requisition of the Police Authorities. The case of the Petitioner is that the Petitioner is not an accused in the Crime registered by the Police authorities against some other persons, in which the requisition was made; that the Petitioner is in no way connected with the said Crime; and that the debit freezing/lien of the account is in violation of Sections 106 & 107 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and Article 300A of the Constitution of India.

2. The learned Counsel for the Respondent/Bank, after getting instructions from the Bank, confirmed that the Bank has received three Requisitions from the Respondent No.7 for Rs.15,000/-, Rs.35,000/- and Rs.50,000/-, totalling Rs.1,00,000/-, for debit freezing/marking lien on the account of 2026:KER:8583 WP(C) NO. 927 OF 2026 the Petitioner mentioned in the Writ Petition, and hence, the Bank has effected the same.

3. The issue is covered by the decisions of this Court in Dr. Sajeer v. Reserve Bank of India [2024 (1) KLT 826], Nazeer K.T. v. Manager, Federal Bank, Makkaraparamba Branch [2024 KHC 768] and Abhiraj Rajan v. State of Kerala [2025 KHC 1676].

4. This Court has been consistently issuing the directions contained in the aforesaid decisions with two other directions for effecting uncommunicated/further requisitions for debit freeze/lien and

making the frozen amount at the disposal of the jurisdictional Magistrate's Court. This Writ Petition is to be disposed of, incorporating the same directions.

5. Accordingly, this Writ Petition is disposed of with the following directions:

i) The Respondent/Bank is directed to confine the order of freeze/lien against the account of the Petitioner only to the extent of the amounts mentioned in the orders/requisitions issued to the Bank by 2026:KER:8583 WP(C) NO. 927 OF 2026 the Police Authorities, and it shall be done forthwith so as to enable the Petitioner to deal with his account and transact therein beyond that limit.

ii) The respondents - Police Authorities concerned are hereby directed to inform the Bank as to whether freezing/lien of the account of the Petitioner will require to be continued even in the aforesaid manner;

and if so, for what further time, within a period of eight months from the date of receipt of a copy of this judgment.

iii) On the Bank receiving the aforesaid information/intimation from the Police Authorities, the Bank will adhere to it and complete necessary action - either continuing the freeze/lien for such period as mentioned therein; or withdrawing it, as the case may be.

iv) If, however, no information or intimation is received by the Bank in terms of direction (ii) above, the Petitioner will be at full liberty to approach this Court again; for which purpose, all his contentions in the Writ Petitions are left open and reserved to him, to impel in the future.

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v) The Police Officer concerned shall inform the Bank whether the seizure of the Bank Account has been reported to the jurisdictional Magistrate, and if not, the time limit within which the seizure will be reported. If no intimation as to the compliance or the proposal to comply with Section 102 Cr.P.C. (Section 106 BNSS) is informed to the Bank within three months of receipt of a copy of the judgment, the Bank shall lift the freeze/lien imposed on the Petitioner's account.

vi) In order to enable the police to comply with the above direction, the Bank as well as the Petitioner shall forthwith serve a copy of this judgment to the officer concerned and retain proof of such service.

vii) The directions of this Court in this judgment will not stand in the way of the Bank effecting freezing/lien based on the requisitions communicated in the future to the Bank with respect to the same account of the Petitioner, and in such case, the Petitioner will be at liberty to challenge the same.

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viii) The frozen/lien amount, if any, lying in the account of the Petitioner in accordance with the aforementioned directions, shall be at the disposal of the jurisdictional Magistrate.

Sd/-

M.A.ABDUL HAKHIM JUDGE mus 2026:KER:8583 WP(C) NO. 927 OF 2026 APPENDIX OF WP(C) NO. 927 OF 2026 PETITIONER EXHIBITS EXHIBIT P1 A TRUE COPY OF THE DETAILS OF THE AFORESAID CYBERCRIME IN THE NATIONAL CYBER CRIME REGISTRATION PORTAL.