

Malcolm Murayis Through Poa Holder Mr. ... vs Avantika on 24 September, 2024

Author: Pranay Verma

Bench: Pranay Verma

NEUTRAL CITATION NO. 2024:MPHC-IND:28080

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA
ON THE 24th OF SEPTEMBER, 2024
CONTEMPT PETITION CIVIL No. 3642 of 2024
MALCOLM MURAYIS THROUGH POA HOLDER MR. ADARSH THAKUR
AND OTHERS
Versus
AVANTIKA AND OTHERS

Appearance:

Shri Arihant Nahar, learned counsel for petitioners.

Shri Arpit Guru, learned counsel for respondents No.1 and 2

ORDER

1. By this petition the petitioner has alleged non-compliance of order dated 26.04.2024 passed in W.P. No.1100/2024. In the said order it was directed as under :-

"[9] In such circumstances, this Court is inclined to dispose of this petition with a direction to the respondents/Bank to keep the disputed amount as informed to them by various cybercrime agencies, in fixed deposits, which shall be allowed to be liquidated only after the orders are passed by the competent Judicial Magistrate within three months' time as it is expected from the cybercrime police to proceed in accordance with law under Section 102 of Cr.P.C., or any other law on which they are relying upon, failing which the amount so kept in FDs may also be allowed to be withdrawn by the petitioners under intimation to the cybercrime agencies."

2. Learned counsel for the respondents has submitted that in compliance of the order of this Court, the respondents have kept the disputed amount as informed to them by various cybercrime agencies in Fixed Deposit. However, no order from any competent Judicial Magistrate has been received as yet. The NEUTRAL CITATION NO. 2024:MPHC-IND:28080 2 CONC-3642-2024 cybercrime agencies are insisting to keep the amount in the Fixed Deposits. There are certain regulations of the

respondents also which are an impediment for allowing the petitioners to withdraw the amount as kept in the Fixed Deposits. However, it is submitted that if order is passed by this Court, the amount kept in the Fixed Deposits would be liquidated and released in favour of the petitioners.

3. The fact that the cybercrime agencies are insisting upon the respondents not to release the amount in favour of the petitioners cannot in any manner be a reason for the respondents not to do so in view of specific order passed by this Court. The said order would also supersede any other instructions/regulations of the respondents in that regard. It may be noted that if in compliance of the order of this Court the respondents liquidate the amount kept by them in the Fixed Deposit and release the same in favour of the petitioners, in future, only for the reason in them doing so, they cannot be held guilty of having violated any rules and regulations in that regard and no third person can make any allegation against them.

4. Learned counsel for the respondents has submitted that the amount kept in the Fixed Deposits shall be liquidated and released in favour of petitioners within a period of two weeks from today. The said undertaking is taken on record in view of which the petition stands disposed off.

(PRANAY VERMA) JUDGE ns