

In Re: Victims Of Digital Arrest Related ... vs Mr. Avishkar Singhvi on 1 December, 2025

ITEM NO.28

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTO WRIT PETITION(CRIMINAL) No(s). 3/2025

IN RE: VICTIMS OF DIGITAL ARREST RELATED TO FORGED DOCUMENTS

(IA No. 285112/2025 - EXEMPTION FROM FILING O.T., IA No. 276131/2025 - INTERVENTION APPLICATION, IA No. 272915/2025 - INTERVENTION APPLICATION, IA No. 302659/2025 - INTERVENTION APPLICATION, IA No. 301598/2025 - INTERVENTION APPLICATION, IA No. 285111/2025 - INTERVENTION APPLICATION, IA No. 284590/2025 - INTERVENTION/IMPLEADMENT and IA No. 283419/2025 - INTERVENTION/IMPLEADMENT)

Date : 01-12-2025 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : By Courts Motion, AOR

For Respondent(s) : Mr. Avishkar Singhvi, A.A.G.
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Ms. Sakshi Raman, Adv.
Ms. Divya Prabha Singh, Adv.

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Mr. Omar Hoda, Adv.
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Mr. Kamran Khan, Adv.
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Ms. Drishti Rawal, Adv.

Digitally signed by
NITIN TALREJA
Date: 2025.12.04

15:51:06 IST

Reason:

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Mr. Mayur Goyal, Adv.

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UPON hearing the counsel the Court made the following

O R D E R

1. At the outset, it is stated by Mr. Nikhil Jain, learned AOR, that there is a typographical mistake in the order dated 17.11.2025, where the IA number has been wrongly described as 286533/2025 instead of 285111/2025. A similar mistake has been committed in the order dated 20.11.2025.

2. In view of the above statement, the IA number in the above orders be read as 285111/2025. The Registry is directed to make necessary corrections in the said orders.

3. These suo-motu proceedings were initiated on receipt of a complaint by this Court from a senior citizen couple who were defrauded of their life savings through a digital arrest scam. No sooner had cognizance been taken, various victims came forward, and some have also filed applications for their impleadment as intervenors. Pursuant to the directions issued through previous orders, it is now evident that multiple FIRs have been registered across different States based on complaints made by the victims. The severity and scale of the crime are highlighted by the fact that several States have unanimously reported that senior citizens are most often targeted by fraudsters employing various deceptive tactics to deceive them.

4. The learned Amicus Curiae has, after a preliminary examination of the incidents brought to the notice of this Court, segregated these scams into the following three categories:

(i) Digital Arrest Scams – This is a category of cybercrimes where victims are led to believe that their hard-earned money is owed to a government authority, and as a result, they are subjected to coercive acts of extortion.

(ii) Investment Scams – These involve situations where victims are induced to deposit large sums under the guise of lucrative investment schemes, only to be subsequently defrauded. Fraudsters routinely invent new terms to deceive their targets, and in some cases, the funds have been taken under the pretext of ‘advance tax’.

(iii) Part-Time Job Scams – In these scams, victims are initially attracted with small, free tasks—for instance, posting positive reviews or watching YouTube videos—and later, they are persuaded to deposit large sums of money by claiming it is for ‘premium tasks’.

5. There can indeed be no manner of doubt that every type of cybercrime resulting in victim deception, especially involving senior citizens, whether categorised into three groups or otherwise, requires specialised investigation. However, digital arrest scams clearly demand the urgent attention of the country’s leading investigative agencies. Accordingly, we direct that the Central Bureau of Investigation (CBI) shall be the primary agency to investigate cases reporting digital arrest scams. Other categories of scams will be addressed in subsequent phases of the ongoing investigation, to be monitored and supervised by this Court.

6. To strengthen the hands of the CBI, especially after perusing the preliminary report submitted by it, we deem it appropriate to issue the following interim directions:

(i) The CBI shall have be given a free hand to investigate the role of bankers under the provisions of the Prevention of Corruption Act, 1988, wherever they are found to be involved in the opening of mule bank accounts, which are used in cybercrime cases, including CBI Crime Case No.RC.2202025E0012.

(ii) We implead and issue notice to the Reserve Bank of India

(RBI) to assist this Court as to why artif
intelligence/machine learning technology be not implemented

identify the mule accounts and correspondingly freeze such proceeds of crime.

(iii) The information technology intermediaries under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (hereinafter referred to as the “Rules”) are directed to cooperate with the CBI and render full assistance to provide traffic and content data for the investigation of digital arrest cases, as and when such information is sought by the CBI.

(iv) All the State Governments and the Union Territories are directed that wherever an FIR has been registered for investigation under the penal laws along with the Information Technology Act, 2000, sanction under Section 6 of the Delhi Special Police Establishment Act, 1946 shall be accorded so that the CBI can undertake a comprehensive action in respect of the identified cybercrimes, on a pan India basis.

(v) The CBI is further permitted to identify the police officers from different State police forces or technical experts, or persons having domain expertise, to be associated as members of the investigating team for technical aid.

(vi) Having regard to the magnitude of the crime and the fact that the places from where such crimes are committed are often beyond the territorial jurisdiction of India, we direct the CBI to submit a request to Interpol and coordinate with the agency to lay its hands on the cybercrime havens operating from different jurisdictions.

(vii) All telecom service providers are also directed to implement the directions issued by the Department of Telecommunications stringently, especially with respect to the issuance of SIM cards.

The material on record so far has revealed an alarming, negligent, and irresponsible attitude by these telecom service providers in issuing SIM cards, particularly the allocation of multiple SIM cards to a single name. In this regard, we direct the Department of Telecommunications to submit a proposal for the Court's consideration that may need to be implemented by all telecom service

providers to prevent the misuse of SIM cards.

(viii) The State Governments and Union Territories are directed to ensure expeditious establishment and operationalisation of Regional and State Cybercrime Coordination Centres, and in case there is any impediment being faced by them, they shall be at liberty to apprise this Court at the earliest. There is no gainsaying that the establishment of the Regional and State Cybercrime Coordination Centres allied with the Central Government Nodal Centre is essential for a coordinated, swift, timely and effective preventive measures against cybercrime.

7. Learned Amicus Curiae has also sought certain directions which are being issued hereinafter. All further submissions by the parties/intervenors/any other aggrieved person or those who want to assist the learned Amicus Curiae shall be at liberty to send relevant material or provide their submissions to her e-mail ID, i.e. amicus.digital-arrest@nappinai.com.

8. It has already been clarified that the scope of these suo motu proceedings relates first to digital arrest scams, and subsequently, we will consider the desirability of monitoring the investigation of other cybercrimes, as already categorised in paragraph 4 of this order.

9. It goes without saying that the learned Solicitor General of India will ensure that the Ministry of Home Affairs, Department of Telecommunications, Ministry of Electronics and Information Technology, and Ministry of Finance are duly represented and their viewpoints are brought on record from time to time for the effective assistance of this Court.

10. The Department of Telecommunications shall enter appearance through the learned counsel representing the Union of India on the next date of hearing.

11. All the intermediaries under the Rules are directed to preserve all data relating to the mobile phones which were reportedly used in committing these cybercrimes and the details whereof find mention in the FIR/crimes registered by different States.

12. It has also been brought to our notice that insofar as the issue of freezing of bank accounts involved in the digital arrest scams is concerned, there are conflicting views of the Kerala High Court in W.P.(C) No. 38383/2025 titled 'Rasmi K.R. v. NCCRP & Ors' and Nagpur Bench of Bombay High Court in Criminal W.P. 328/2025 titled 'Kartik Yogeshwar Chatur Vs. Union of India & Ors'. We have impressed upon the learned Solicitor General of India to see that the Special Leave Petitions are filed in both cases as early as possible, but not later than two weeks. In this regard, necessary assistance may be provided by the learned Amicus Curiae. The Registry is directed that as soon as such SLPs are filed, subject to curing of defects, the same be ordered to be listed before this Court without any delay.

13. In the meantime, we direct that wherever any amount lying in a bank account is prima facie traceable to digital arrest or other cybercrimes, as already reported to the State police, the CBI or NCRP portal, the CBI and the State police authorities, with or without FIR, are at liberty to freeze such accounts.

14. Post this matter for further consideration on 16.12.2025.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR