



IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 13<sup>th</sup> OF MAY, 2026

WRIT PETITION No. 9453 of 2021

*ANUJ KUMAR SHARMA*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Swapnil Sharma - Advocate for the petitioner.*

*Shri Manish Saxena - Govt. Advocate for the State.*

*Shri Raju Sharma - Advocate for respondent No.4.*

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ORDER

The present petition, under Article 226 of the Constitution of India, has been filed by the petitioner seeking following reliefs:-

"7(1) यह कि, प्रत्यर्थागण को आदेशित किया जावे कि याचिकाकर्ता के सेलेरी खाता क्रमांक के संचालन से रोक हटाई जाकर उसे अपने परिवार के भरण-पोषण एवं शिक्षण हेतु अपने वेतन की निकासी करने दी जावे।

7(2) यह कि, याचिकाकर्ता को प्रत्यर्थागण द्वारा विना कोई नोटिस दिये उसके सेलेरी खाता क्रमांक के संचालन को अवैधानिक तरीके से रोकने पर याचिकाकर्ता को हुई शारीरिक, मानसिक एवं आर्थिक प्रताड़ना के एवज में क्षतिपूर्ति राशि प्रत्याशीगण से दिलायी जावे।

7(3) यह कि, प्रत्याशीगण द्वारा याचिकाकर्ता के सेलेरी



*स्वाता कुमांक पर अनुचित रोक लगाये जाने पर उनके विशक विभागीय एवं दण्डात्मक कार्यवाही किये जाने के संबंध में दश पारित किया जावे।*

*7(4) यह कि, व्यायहित में जो भी उचित से आदेश/निर्देश जारी किया जावें।"*

Learned counsel for the petitioner has submitted before this Court that the petitioner is a serving personnel of the Special Armed Force, 13th Battalion, presently posted at Raj Bhavan, Bhopal, and maintains a salary account bearing No. \_\_\_\_\_ with the State Bank of India, \_\_\_\_\_ wherein his monthly salary is regularly credited. The respondents, without issuing any notice or assigning any valid reason, illegally restrained the operation of the petitioner's salary account allegedly on the basis of some communication received from the Cyber Cell, despite there being no criminal case or departmental proceedings pending against the petitioner.

It is further submitted that the petitioner repeatedly approached the respondent Bank for release of his account; however, neither any written order nor any satisfactory explanation was provided to him. Due to the illegal freezing of the account, the petitioner and his family are facing severe financial hardship and mental agony, as the petitioner has been deprived of access to his salary, which is the sole source of livelihood for his family and children's education.

It is further submitted that the impugned action of the respondents is arbitrary, illegal and violative of Articles 14, 19 and 21 of the Constitution of



India, as the petitioner has been deprived of his right to livelihood and dignified life without following due process of law. It is thus submitted that the present petition be allowed and the account of the petitioner be defreezed.

On the other hand, learned counsel for the respondent Bank submitted that the petitioner's account was restricted pursuant to directions received from the concerned Cyber Cell/competent authority regarding suspicious transactions under enquiry. The Bank acted strictly in compliance with statutory and regulatory obligations and had no arbitrary or mala fide intention against the petitioner. It is further submitted that the action was taken as a precautionary measure in accordance with law, and therefore no violation of the petitioner's constitutional or legal rights is made out against the respondent Bank.

None appears on behalf of respondent No.2 despite the fact that Vakalatnama has already been filed on his behalf. However, no reply has been filed till date controverting the averments made in the present petition, nor has any explanation or response been furnished regarding the action impugned herein.

Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the grievance of the petitioner pertains to freezing/restraining of operation of his salary account bearing No.

maintained with the State Bank of India,

wherein the salary of the petitioner, a serving personnel of Special Armed Force, is regularly credited.



It is not disputed that the petitioner has been deprived of operating the aforesaid account for a considerable period of time. The respondent Bank has submitted that the restriction was imposed pursuant to directions received from the concerned Cyber Cell/competent authority regarding certain suspicious transactions under enquiry. However, despite service of notice, respondent No.2 has neither appeared before this Court nor filed any reply justifying continuation of the complete freezing of the petitioner's salary account.

This Court is of the considered opinion that though the respondent Bank is bound to comply with lawful directions issued by the investigating agency, at the same time, complete restraint on operation of a salary account, particularly of a serving armed force personnel, without there being any material placed on record showing involvement of the entire account transactions in any criminal activity, caused serious prejudice to the fundamental right of livelihood guaranteed under Article 21 of the Constitution of India. The petitioner cannot be deprived of access to his legitimate salary amount required for maintenance of himself and his family merely because certain transactions are under enquiry.

In the considered opinion of this Court, the interest of justice would be served if the respondent Bank is directed to permit operation of the petitioner's salary account except to the extent of the amount pertaining to the suspicious/disputed transactions, which may continue to remain under restraint subject to further orders of the competent authority/investigating agency.



Accordingly, the present petition is **disposed of** with a direction to the respondent Bank to forthwith defreeze and restore operation of the petitioner's salary account bearing \_\_\_\_\_ except the amount relating to the suspicious/disputed transaction(s), if any, identified by the concerned investigating agency. The respondent Bank shall permit the petitioner to withdraw and utilize the remaining available amount including future salary credits for his livelihood and family expenses. It is further directed that the amount pertaining to the disputed/suspicious transaction(s) alone shall remain subject to restraint till conclusion of enquiry/investigation or till appropriate orders are passed by the competent authority in accordance with law.

With the aforesaid directions, the present writ petition stands **disposed of**.

No order as to costs.

(MILIND RAMESH PHADKE)  
JUDGE