IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
WP No. 29570 of 2025

(CHAITALI MITTRA** Vs **SUPERINTENDENT OF POLICE AND OTHERS)

Dated : <u>14-07-2026</u>

Shri Kabeer Paul - Advocate for the petitioner.

Shri Shreyas Dubey, learned counsel for the respondent No.5.

Shri Swapnil Ganguly - Additional Advocate General with Smt. Priyanka Mishra - G.A. and Shri Vijendra Singh - G.A. for the respondent/State.

Shri Sampat Upadhyay, Superintendent of Police, Jabalpur along with Shri Bhoopendra Armo, T.I. and Shri Sanjeev Kumar Tripathi - I.O. are present before the Court today.

In compliance with the order dated 29.06.2026, the Superintendent of Police, Jabalpur, along with the Station House Officer, Police Station Gorabazar, and the Investigating Officer, has remained personally present before this Court.

This Court interacted with the Superintendent of Police at length regarding the progress of the investigation and the difficulties being faced in tracing the perpetrators of the cyber fraud in question. The Superintendent of Police submitted that immediately upon receipt of the complaint from the complainant, the matter was forwarded to the Cyber Cell for initiating necessary action. It has been explained that, in cases involving cyber fraud, the Cyber Cell is required to obtain information from the respective nodal agencies of different banks. Since every bank has its own designated nodal agency situated at different locations, considerable time is consumed in procuring the requisite information. According to the Superintendent of Police, ordinarily three to five days are consumed merely in receiving preliminary responses from such nodal agencies.

The Superintendent of Police has further submitted that in several cases, the investigation also requires assistance from police authorities of other States where the suspected transactions or accused persons are located. Though not expressly stated, it is apparent from the submissions made that timely cooperation from police authorities of other States is not always forthcoming, thereby causing further delay in the investigation.

It has also been informed that cyber fraudsters are increasingly operating through so-called "mule" or "null" bank accounts opened in the names of innocent persons and are using encrypted communication platforms such as Telegram for coordinating their activities. For identifying the actual perpetrators, the investigating agency is required to approach the concerned intermediary for obtaining IP logs, subscriber details and other technical information, which again consumes considerable time. Consequently, by the time the necessary information is received from different stakeholders, the accused persons are often able to change their locations, dissipate the proceeds of crime and erase the electronic trail, thereby frustrating the investigation.

Upon consideration of the submissions made and the material placed before this Court, this Court is of the considered opinion that investigation of cyber fraud offences stands on an altogether different footing from conventional criminal investigations. Cyber fraud is a crime where every second is of significance. Prompt reporting by the victim, immediate freezing of accounts by banks, real-time sharing of information by financial institutions, expeditious response by telecom service providers and social media/intermediary platforms, prompt action by investigating agencies and seamless coordination amongst police authorities of different States are all indispensable for an effective investigation. Delay at any stage of the process directly benefits the offenders, who exploit the technological advantages available to them for concealing their identity and siphoning the proceeds of crime beyond the reach of law enforcement agencies.

This Court further finds that the existing mechanism, whereby information is sought through multiple agencies and forwarded from one authority to another before any effective field action is undertaken, results in avoidable delay. Such procedural movement of files and requests enables the perpetrators to remain several steps ahead of the investigating agencies. In cyber crimes, the investigating machinery must necessarily move faster than the offenders. Unless information gathering, technical analysis and field investigation are integrated under a dedicated and coordinated investigative framework, the object of prompt detection and recovery is likely to be defeated.

This Court is therefore of the *prima facie* opinion that there is an urgent necessity for establishing and streamlining a coordinated mechanism involving investigating agencies, banking institutions, telecom authorities and intermediary platforms so that real-time information may be exchanged and immediate action may be taken for tracing offenders and preserving electronic evidence. Since the issues involved transcend the facts of the present case and concern the larger framework governing investigation of cyber crimes, the assistance of the Union of India and the Reserve Bank of India would be necessary for effective adjudication of the issues involved. Accordingly, learned counsel for the petitioner is directed to implead the following as respondents in the present proceedings:

1. Union of India through the Ministry of Home Affairs;
2. Union of India through the Department of Telecommunications; and
3. Reserve Bank of India.

The Superintendent of Police, Jabalpur, has also informed this Court regarding the progress made during investigation and submitted that, on the basis of the information collected till now, the present location of the principal suspect has been traced to the State of Assam. In view of the aforesaid submission, learned counsel appearing for the petitioner prayed for impleadment of the Director General of Police, Assam, as a party respondent in the present proceedings so as to facilitate effective adjudication and coordination during investigation. The prayer appears to be justified and is accordingly allowed. The petitioner is directed to implead the Director General of Police, Assam, as a respondent in the present petition during the course of the day. The State is further directed to ensure service of notice upon: (i) the Director General of Police, West Bengal; (ii) the Director General of Police, Jharkhand; and (iii) the Director General of Police, Assam.

The petitioner shall also furnish copies of the petition together with a copy of this order to the learned Standing Counsel representing the Union of India as well as to the learned counsel representing the Reserve Bank of India for enabling them to obtain necessary instructions and assist this Court on the next date of hearing. Considering the nature of issues involved and the necessity of ensuring effective inter-State coordination in the investigation, the Director General of Police, West Bengal, the Director General of Police, Jharkhand and the Director General of Police, Assam shall remain personally present before this Court on the next date of hearing, along with complete status reports indicating the action taken by their respective departments in relation to the investigation. The newly impleaded respondents as well as the existing respondents may file their respective replies, if they so desire, before the next date of hearing.

List this matter **on 21.07.2026** for further consideration.

(HIMANSHU JOSHI)
JUDGE

Jasleen