

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSSUO 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. 301598/2025 - INTERVENTION APPLICATION, IA No. 285111/2025 - INTERVENTION APPLICATION, IA No. 276131/2025 - INTERVENTION APPLICATION, IA No. 272915/2025 - INTERVENTION APPLICATION, IA No. 15481/2026 - INTERVENTION APPLICATION, IA No. 302659/2025 - INTERVENTION APPLICATION, IA No. 284590/2025 - INTERVENTION/IMPLEADMENT and IA No. 283419/2025 - INTERVENTION/IMPLEADMENT)

WITH

W.P. (Crl.) No. 15/2026 (X)

Date : 09-02-2026 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE N.V. ANJARIA

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UPON hearing the counsel the Court made the following

O R D E R

1. In continuation of the previous orders, including dated 16.12.2025, Mr. R. Venkataramani, learned Attorney General for India, has placed on record a compilation containing a status report on behalf of the Ministry of Home Affairs, Union of India, along with documents (Annexures R/1 to R/5). Annexure R/1 is a copy of the minutes of the second meeting of Inter Departmental Committee (IDC) held on 02.02.2026; Annexure R/2 is a copy of the detailed inputs in respect of the submissions of the Department of Telecommunications (DoT); Annexure R/3 is a copy of the detailed inputs and supporting material in respect of the submissions of the Reserve Bank of India (RBI); Annexure R/4 is a copy of the inputs shared by Ministry of Electronics and Information Technology (MeitY) in the form of status report; and, Annexure R/5 is a copy

of the SOP for NCRP-CFCFRMS, custody and restoration of money and grievance redressal.

2. It is explained that an Inter-Departmental Committee has been constituted. The CBI has identified a threshold of losses of Rs.10 crores or more for the investigation of Digital Arrest Cases. Three such cases have been identified in Gujarat and Delhi, and the State Governments have accordingly been asked to accord permission. We direct the State of Gujarat and the NCT of Delhi to accord the necessary permission within one week.

3. It is pointed out that the banks are using their own AI/ML tools for Fraud Risk Management. About 26 out of 53 banks are stated to have also adopted Mule Hunter AI. Most importantly, the RBI and Indian Cybercrime Coordination Centre, Ministry of Home Affairs, are in the process of finalising an MoU for sharing suspect registry data to enrich mule account detection tools. We would appreciate if the draft MoU is finalised within four weeks or so.

4. Similarly, the RBI has drafted a Standard Operating Procedure (SOP) prescribing actions by banks for placing temporary debit holds on amounts/accounts, to prevent money-mule activities and cyber-enabled fraud. The SOP for NCRP-CFCFRMS, custody and restoration of money and grievance redressal has also been approved on 02.01.2026. We, accordingly, direct the Ministry of Home Affairs to formally adopt and implement the above-stated SOP dated 02.01.2026 and the same be issued across the country for adopting by all the participating entities a uniform process to strengthen inter-agency coordination, ensure the timely restoration of

defrauded funds wherever possible, and enhance public confidence in reporting cyber financial frauds through the NCRP and the 1930 helpline including the adjudicating authorities.

5. All the High Courts are directed to ensure that the adjudicating authorities within their respective jurisdiction are in compliance with the above-mentioned SOP.

6. It is also pointed out by the learned Attorney General that the Department of Telecommunications has drafted the Telecommunications (User Identification) Rules, 2025, as well as Draft Telecommunications (Radio Equipment Possession Authorisation) Rules. The comments from stakeholders/the general public have been invited. These rules are being formulated to prevent (i) biometric e-KYC and the issuance of a number of sim cards in one box. Let these rules be notified within three weeks.

7. The DoT has also implemented the Centralised International Out Roamer (CIOR) in October 2024 for addressing the issue of spoofed international calls, which helps identify calls made by genuine international roaming subscribers. Let these rules also be notified within three weeks.

8. The MeitY is directed to develop and finalise a portal for reporting the complaints under Section 43 of the Information Technology Act, 2000. Let the needful be done within four weeks.

9. So far as the future course of action is concerned, we direct the CBI to expedite registration of the identified Digital Arrest Cases for investigation. The RBI is directed to examine the recommendations of the delayed transactions at the end of the issuing bank and take an appropriate decision in this regard. The

MeitY is further directed to follow up with intermediaries for time-bound compliance, for which necessary meetings with the concerned agencies may be held. Similarly, we direct the RBI, Ministry of Home Affairs and Department of Revenue to consider the desirability of suspending the suspicious transactions and facilitation of reporting of cases under Section 12AA of the PMLA Act. Such a recourse, however, will be adopted by following the prescribed procedure in accordance with the law. The RBI, DoT and MeitY, along with the Department of Legal Affairs and the Ministry of Consumer Affairs, may also jointly hold a meeting to evolve some framework for victim compensation in Digital Arrest Cases. It will be appreciated if a pragmatic and liberal approach is adopted in this regard.

10. Let a fresh status report in respect to the above directions be furnished.

11. Post the matter on 16.03.2026.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR