

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.30479 of 2015

B.Ethiraj

... Petitioner

Vs.

Inspector of Police,
CCB, EDF-II, Team 9(A),
Commissioner Office,
Vepery, Chennai.
(Cr.No.121 of 2015)

... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., praying to direct the respondent-Police to defreeze the petitioner's Current A/c.No.007502000004685 (IOB Bank, Purasawakkam Branch, Chennai), with respect to the FIR No.121 of 2015, dated 26.03.2015, pending on the file of the respondent-Police.

For Petitioner : Mr.N.Subramani

For Respondent : Mr.C.Emalias, APP.

ORDER

This petition has been filed by the petitioner praying to direct the respondent-Police to defreeze the petitioner's Current A/c.No.007502000004685 in Indian Overseas Bank, Purasawakkam Branch, Chennai, with respect to the First Information Report No.121 of 2015, dated 26.03.2015, pending on the file of the respondent-Police. The petitioner herein has been arrayed as 2nd accused in the said case.

2.In the affidavit filed in support of this petition, it has been averred by the petitioner that he had purchased a property in S.Nos.750/1, 751, 752/1, 752/2, 753/1A in Vallur III Village, Ponneri Taluk, measuring to an extent of 1.03 acres vide Doc.No.4495 of 2006, dated 14.07.2006, registered on the file of the Sub-Registrar, Thiruvottiyur, from one Devadoss for a sale consideration of Rs.60 lakhs, with the assistance of his advocate. Subsequently, the petitioner has applied for change of patta, Chitta and Adangal and "A" Register. After thorough investigation, the Revenue Officials made necessary entries in the said records in the name of the petitioner in respect of the said property. Thereafter, one Syed Hussain has purchased a plot from the petitioner. Since

the Tashildar, Ponneri refused to change the name of the owner to the said property, the said Syed Hussain has given a complaint before the respondent-Police and the same was registered as FIR.No.121 of 2015 for the alleged offences under Sections 406, 420 & 506(i) IPC, against the petitioner and two others. Subsequently, the respondent-Police froze the petitioner's Current A/c.No.007502000004685, Indian Overseas Bank, Purasawakkam Branch, Chennai. Thereafter, the petitioner has filed a writ petition in W.P.No.13819 of 2015 seeking direction to transfer the investigation. It is further stated by the petitioner that subsequently, the matter was settled and the said Syed Hussain/defacto-complainant got back the sale consideration of Rs.62 lakhs and the sale deed in Doc.No.5935 of 2013 executed by the petitioner in favour of him was also cancelled. The said Syed Hussain/defacto-complainant also gave a letter to the respondent-Police seeking to withdraw his complaint, stating that the matter was settled. Thereafter, the petitioner herein and other accused persons had filed a petition in CrI.O.P.No.14036 of 2015 seeking to quash the FIR No.121/2015. In the said quash petition, the respondent-Police had filed objections stating that the accused are dealing with the lands, which are under acquisition proceedings initiated by the Enoor Port-Trust. After hearing both sides, based on the objections raised by the respondent-Police, the said quash petition was dismissed by this Court on 02.07.2015. Now, the petitioner has come forward with the present petition seeking to defreeze his bank account, stating that the respondent-Police has frozen the bank account of the petitioner by violating the procedures under Section 102 of Cr.P.C.

3.The respondent-Police has filed a detailed counter affidavit stating that during the course of investigation, the respondent-Police made a request to the Indian Overseas Bank, Purasawakkam Branch, Chennai to freeze the account of the petitioner herein/A2 and accordingly, the Bank has also frozen the current account of the petitioner/A2. Subsequently, the intimation regarding the freezing of the bank account of the petitioner/A2 was also sent to the learned III Metropolitan Magistrate, George Town, Chennai. Thus, the respondent-police stated that there is no violation of any procedure in freezing the bank account of the petitioner/A2. Thus, they sought for dismissal of the petition.

4. I have carefully heard the submissions made by the learned counsel for the petitioner as well as the learned Additional Public Prosecutor and perused the materials available on record.

5.From a reading of the counter affidavit filed by the respondent-police, it could be seen that after freezing the bank account of the petitioner/A2, intimation was also sent to the concerned Magistrate. Therefore, there is no violation on the part of the respondent-police. The present petition has

been filed by the petitioner only with a bald and vague allegations. No substantial materials have been produced by the petitioner/A2 to show that there is violation on the part of the respondent-Police in following the procedures, in freezing the bank account of the petitioner/A2. Under such circumstances, I am not inclined to entertain the prayer sought for by the petitioner in this petition and the petition is liable to be dismissed.

In fine, the criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssv

To,

- 1.The Inspector of Police,
CCB, EDF-II, Team 9(A),
Commissioner Office,
Vepery, Chennai.
- 2.The Public Prosecutor,
Madras High Court, Madras.

+ 1 cc to M/s. N.Subramani, Advocate SR.6001

Crl.O.P.No.30479 of 2015

AK(CO)
EU 09.02.16

सत्यमेव जयते

WEB COPY