IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2018

Coram:

The Honourable Mrs. Justice R. HEMALATHA

Crl.O.P.No.30875 of 2013

Venkatakrishnan ...Petitioner

Versus

1.The Inspector of Police,
Central Crime Branch Team III,
St.Thomas Mount (Greater Chennai)
Presently: Case Transferred to
Inspector of Police,
Job-Rocket Team
Central Crime Branch II, Greater Chennai
Thousand Lights, Chennai.
Crime No.75 of 2011

2.The Manager,
Karur Vysya Bank Limited,
Nanganallur Branch,
7, 48th Street, Nanganallur
Chennai - 600 061. ...Respondents

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to direct the second respondent Bank to allow the petitioner to operate his Savings Bank Account No.125-155-70337.

For Petitioner : Mr.M.Ganesan
For Respondent-1 : Mr.T.Shunmugarajeswaran, Government Advocate (Crl.Side)

ORDER

The petitioner is arrayed as A3 in C.C.No.869 of 2013 on the file of the learned Judicial Magistrate, Alandur. The Inspector of Police, Central Crime Branch, based on the complaints given by various persons alleging that though A1 & A2 promised them to secure jobs and also received amounts towards consultancy services and registration fee etc., neither fulful their promise of getting jobs nor return the amounts to them registered FIR in Crime No.75 of 2011. The Inspector of Police, Central Crime Branch, Chennai, after completing investigation, filed a final report in C.C.No.869 of 2013 on the file of the learned Judicial Magistrate, Alandur against A1 to A3 for the alleged offences punishable under Section 420, 406 r/w 34 of I.P.C. During the course of investigation, the first respondent viz., the Inspector of Police, Central Crime Branch Team III freezed the Savings Bank Account No.125-155-70337 of A3 (present petitioner herein) and the instant petition is filed to allow the petitioner to operate the said account.

2. The primordial submission of the learned counsel appearing for the petitioner is that the petitioner is not at all connected with the alleged offences punishable under Section 420, 406 r/w 34 I.P.C and that he sold his own property on 08.09.2011 to one Mr.R.Rajagopal and that the entire sale consideration was credited to his Savings Bank Account No.125-155-70337 with Karur Vysya Bank Limited, Nanganallur Branch. He also drew the attention of this Court to the statement of accounts issued by Karur Vysya Bank Limited and contended that the amounts of Rs.8,00,000/- and Rs.49,91,364/- were credited to the petitioner's account on the date of sale i.e., on 08.09.2011 and therefore, the first respondent cannot freeze his account.

3. Per contra, the learned Government Advocate (Crl.Side) appearing for the first respondent would contend that the present petitioner is the husband of A1 and that at the time of moving an anticipatory bail before this Court, A1 gave an undertaking that she would sell their family properties and settle the entire amount to all the defacto complainants and on that score was granted an anticipatory bail. His further contention is that till date no amount is settled by them and during the course of investigation, the Bank Account of A3 mentioned in the petition was freezed by the second respondent and apart from freezing this bank account, various Bank Accounts of A1 & A2 were also freezed. It is his submission that charges were already been framed by the learned Judicial Magistrate, Alandur and that the case is now posted for examination of witnesses.

4. A perusal of the entire records shows that the Inspector of Police, Central Crime Branch Police Station, after completing investigation, had filed a final report alleging that A1 & A3 conspired and misappropriated funds collected by them from various persons on the promise of securing jobs to them and it is alleged that they have neither secured jobs for defacto complainants nor returned back their money. It is further alleged that though A1, the wife of A3 allegedly given an undertaking while moving an anticipatory bail that they(A1 & A3) would be settling the entire dues after selling their family properties did not honour their commitment and instead started withdrawing amounts from their account. Since the trial is pending before the learned Judicial Magistrate, Alandur, I do not find any reason to allow this Criminal Original Petition and therefore, the same is dismissed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mrr

To

1.The Inspector of Police,
Central Crime Branch Team III,
St.Thomas Mount (Greater Chennai)

2.The Inspector of Police,
Job-Rocket Team
Central Crime Branch II, Greater Chennai,
Thousand Lights, Chennai.

3.The Public Prosecutor,
High Court,
Madras.

+ 1 cc to Mr. M. Ganesan, Advocate Sr.46451

Crl.O.P.No.30875 of 2013

SPD(CO)
EU(31/08/2018)