

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NOS.4645, 4648, 4649 4655, 4650, 4651,
4653, 4657 & 4659 OF 2021

PRAVEEN KUMAR ... PETITIONER in CRL OP No.4645 of 2021
PRAVEENKUMAR ... PETITIONER in CRL OP No.4648 of 2021
NITHYA PRAVEENKUMAR ... PETITIONER in CRL OP No.4649 of 2021
NITHYA PRAVEENKUMAR ... PETITIONER in CRL OP No.4655 of 2021
RANI ... PETITIONER in CRL OP No.4650 of 2021
NITHYA PRAVEENKUMAR ... PETITIONER in CRL OP No.4651 of 2021
RAJENDRAN ... PETITIONER in CRL OP No.4653 of 2021
PERUMAL ... PETITIONER in CRL OP No.4657 of 2021
PERUMAL ... PETITIONER in CRL OP No.4659 of 2021

-Vs-

- 1 STATE BY
INSPECTOR OF POLICE
B-1 NORTH BEACH POLICE STATION
CHENNAI.CR.NO.1860/2020.
...1st RESPONDENT IN ALL CRL OPS.
- 2 THE BRANCH MANAGER
AXIS BANK LTD LAKSHMIPURAM, KOLATHUR
CHENNAI-600 099.
... 2nd RESPONDENT in CRL OP No.4645 of 2021
- 2 THE BRANCH MANAGER
UNION BANK OF INDIA, KOLATHUR,
CHENNAI-600 099.
...2nd RESPONDENT in CRL OP No.4648 of 2021

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UNION BANK OF INDIA KOLATHUR
CHENNAI-600 099.
... 2nd RESPONDENT in CRL OP No.4649 of 2021
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AXIS BANK LTD LAKSHMIPURAM
CHENNAI-600 099.
...2nd RESPONDENT in CRL OP No.4655 of 2021
- 2 THE BRANCH MANAGER
UNION BANK OF INDIA KOLATHUR CHENNAI
... 2nd RESPONDENT in CRL OP No.4650 of 2021
- 2 THE BRANCH MANAGER
ICICI BANK LTD
ANNANAGAR BRANCH CHENNAI.
...2nd RESPONDENT in CRL OP No.4651 of 2021
- 2 THE BRANCH MANAGER
UNION BANK OF INDIA
KOLATUR CHENNAI
...2nd RESPONDENT in CRL OP No.4653 of 2021
- 2 THE BRANCH MANAGER
UNION BANK OF INDIA
KOLATHUR CHENNAI
...2nd RESPONDENT in CRL OP No.4657 of 2021
- 2 THE BRANCH MANAGER
AXIS BANK LTD LAKSHMIPURAM KOLATHUR
CHENNAI-600 099.
...2nd RESPONDENT in CRL OP No.4659 of 2021

Prayer:-

Criminal Original Petitions filed under Section 482 of Cr.P.C praying :

CRL OP No.4645 of 2021:-

To direct the respondent police to defreeze defreeze the Bank Accounts in Account Numbers 919010069866771, 914010003565321 of Axis Bank Ltd, Lakshmipuram, Kolathur, Chennai-600 099 freezed by the respondent police in connection

with the case pending investigation in Cr.No.1860 of 2020 and permit the petitioner to operate petitioner to operate their accounts.

CRL OP No.4648 of 2021:-

To direct the respondent police to defreeze the Bank Accounts in Account Number 579902010001895 in Union Bank of India, Kolathur, Chennai-600 099 freezed by the respondent police in connection with the case pending investigation in Cr.No.1860 of 2020 and permit the petitioner to operate his account.

CRL OP No.4649 of 2021:-

To direct the respondent police to defreeze the Bank Accounts in Account Numbers 579902010007519, 579901010050470 of Union Bank of India, Kolathur, Chennai-600 099, freezed by the respondent police in connection with the case pending investigation in Cr.No.1860 of 2020 and permit the petitioner to operate her accounts.

CRL OP No.4655 of 2021:-

To direct the respondent police to defreeze the Bank Accounts in Account Number 919010077108773 of Axis Bank Ltd, Lakshmipuram, Kolathur, Chennai-600 099 freezed by the respondent police in connection with the case pending investigation in Cr.No.1860 of 2020 and permit the petitioner to operate petitioner to operate her account.

CRL OP No.4650 of 2021:- सत्यमेव जयते

To direct the respondent police to defreeze the Bank Account in account Number 579901010050261 of Union Bank of India, Kolathur, Chennai-600 099 freezed by the respondent Police in connection with the case pending investigation in Cr.No.1860/2020 and permit the petitioner to operate her accounts.

CRL OP No.4651 of 2021

To direct the respondent police to defreeze the Bank Account in Account Numbers 602705042398 of ICICI Bank Ltd., Annanagar

Branch, Chennai freezed by the respondent police in connection with the case pending investigation in Cr.No.1860 of 2020 and permit the petitioner to operate her account.

CRL OP No.4653 of 2021:-

To direct the respondent police to defreeze the Bank Account in account Number 579901010050788 of Union Bank of India, Kolathur, Chennai-600 099 freezed by the respondent Police in connection with the case pending investigation in Cr.No.1860/2020 and permit the petitioner to operate her accounts.

CRL OP No.4657 of 2021:-

To direct the respondent police to defreeze the Bank Account in account Numbers 579902010002067, 579901010050563, 579901010050042, 579901010050131 of Union Bank of India, Kolathur, Chennai-600 099 freezed by the respondent Police in connection with the case pending investigation in Cr.No.1860/2020 and permit the petitioner to operate her accounts.

CRL OP No.4659 of 2021:-

To direct the respondent police to defreeze the Bank Account in account Numbers 920020062626988, 919010037256799 of Axis Bank Ltd., Lakshmipuram, Kolathur, Chennai-600 099 freezed by the respondent Police in connection with the case pending investigation in Cr.No.1860/2020 and permit the petitioner to operate her accounts.

For Petitioner : Mr.C.Vidhusan

For 1st Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

WEB COPY
COMMON ORDER

All these Criminal Original Petitions have been filed seeking for the relief of defreezing the bank accounts maintained in the 2nd respondent bank.

2. The respondent police in the course of investigation in Crime No.1860 of 2020 which was filed against two named accused

persons, proceeded to freeze the bank account of the petitioners maintained in various banks. The main ground that has been raised by the petitioners is that the freezing of the bank account is totally illegal and even the bank account of persons those who are not accused in this case has been frozen and the respondent police did not comply with the mandatory requirement under Section 102(3) of Cr.P.C.

3. Heard Mr.C.Vidhusan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the 1st respondent police.

4. A common counter affidavit has been filed by the respondent police along with the relevant documents. The respondent police has justified the freezing of the bank accounts on the ground that the accused persons have cheated the daughter of the de facto complainant to the tune of more than Rs.32 Lakhs and therefore, this amount has to be secured only by freezing the bank accounts of the petitioners. The bank account has been frozen in each case on 10.02.2021 by sending a communication to the concerned bank. However, a report has been submitted before the learned VII Metropolitan Magistrate, George Town, only on 10.03.2021.

5. It is now a settled law that the police can freeze a bank account in exercise of powers under Section 102 of Cr.P.C., since bank account also comes within the purview of a movable property. However, in order to keep a check on the misuse of this power, a mandate has been prescribed under Section 102(3) of Cr.P.C., whereby the police will have to forthwith file a report before the Magistrate having jurisdiction. This Court has repeatedly held that non-compliance of this mandate will vitiate the freezing of the bank accounts. Useful reference can be made to the judgment of this Court in Padmini Vs. The Inspector of Police, DCB, Tirunelveli reported in (2008) 3 CTC 657 and Uma Maheswari and Others Vs. State and Others reported in 2014(1) MLJ (Cr1.) 262.

6. In the present case, the bank accounts were frozen on 10.02.2021 and the report was sent to the learned VII Metropolitan Magistrate, George Town, only on 10.03.2021. Therefore, there is a clear violation of the mandate prescribed under Section 102(3) of Cr.P.C. In view of the same, this Court has no hesitation to order for defreezing the bank accounts.

In the result, all these Criminal Original Petitions are allowed and the bank accounts of the petitioners shall stand defreezed forthwith. The 1st respondent police is also directed to issue a communication in this regard to the 2nd respondent bank.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gya

To

1. The Inspector of Police
B-1 North Beach Police Station
Chennai
(Crime No.1860/2020)
2. The Public Prosecutor,
High Court, Madras
3. The Branch Manager
Axis Bank Ltd Lakshmipuram, Kolathur
Chennai-600 099.
4. The Branch Manager,
Union Bank of India,
Kolathur, Chennai-600 099.
5. The Branch Manager
ICICI Bank Ltd
Annanagar Branch,
Chennai.

Copy To

VII Metropolitan Magistrate,
George Town,
Chennai.

+9ccs to M/s.C.P.Palanichamy, Advocate in Sr.No.20866 (07.04.21)

CRL.O.P.Nos.4645, 4648, 4649 4655,
4650, 4651, 4653, 4657 & 4659 of 2021

PL(CO)
CS/01/04/2021