IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.11825 OF 2021

M/s.PSLR Internationals,
Office at No.21,
Sri Venkateshwara Nagar Extension,
Valaiyankadu Post,
Triupur-641 601.
Rep by its Authorized person,
E.Govindasamy, M/41,
S/o.G.Ethiraj. ... Petitioner/Defacto Complainant

Versus

1. State of Tamil Nadu,
   Represented by,
   Deputy Superintendent of Police,
   Economic Offences Wing-II,
   Guindy, Chennai-600 032.

2. M/s.South India Bank Ltd.,
   Trirupur Avanishi Road Branch,
   Trirupur,
   Rep by its Branch Head/AGM.

3. The RBL Bank Ltd.,
   17/A/53, WEA Karol Bagh,
   Guradwar Road,
   New Delhi-110 005,
   Rep by its Branch Head.

4. The Deputy Superintendent of Police,
   Economic Wing-II,
   Coimbatore. ... Respondents

[R4 Suo Motu impleaded as per order in Crl.O.P.No.11825 of 2021, dated 15.07.2021.]

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to defreeze the account of the accused in connected with Cr.No.16 of 2021 on the file of the 1st respondent, account bearing No.409000202423 with 3rd respondent, RBL Bank Ltd., New Delhi and consequently direct the 3rd respondent/Accused's banker to reverse the amount transferred by the petitioner from the petitioner's Bank account No.0338073000001906, Current Account, IFSC Code:SIBL0000338, with 2nd respondent/South India Bank, Avinashi Road Branch, Tirupur.

For Petitioner	:	Mr.M.Palanivel
For R1	:	Mr.A.Damodaran, Government Advocate (Crl. Side)
For R2	:	Mr.S.Pradeepan

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to defreeze the account of the accused bearing No.409000202423 with the 3rd respondent Bank viz., M/s.RBL Bank Limited, New Delhi in connection with Crime No.16 of 2021 and consequently direct the 3rd respondent to reverse the amount transferred by the petitioner from his account No.0338073000001906 (Current Account), IFSC Code: SIBL0000338 with the 2nd respondent Bank viz., M/s.South India Bank Limited, Trirupur Avanishi Road Branch, Trirupur.

2. The petitioner is the defacto complainant in Crime No.16 of 2021, which was registered by the 1st respondent against A1-Bharath Bhusahan and A2-Harish Bhalla for offence under Sections 420, 409 and 120(B) IPC.

3. The learned counsel for the petitioner submitted that the petitioner is the Partnership Firm carrying on the business of manufacturing, sales and export of readymade Hosiery Garments and Textiles Goods and all kind of import and export merchant trading. The petitioner had obtained an order from Netherland customer to supply Nitrile powder gloves to Netherland. The petitioner decided to purchase the Nitrile power gloves from India and export the same to Netherland. In this connection, one Raviguptha from Hyderabad introduced A1-Bharath Bhusan, Proprietor of M/s.Triple Three Enterprise, New Delhi and his relative A2-Harish Bhalla. Both of them promised to supply the Nitrile powder gloves and also represented that they are enough

strength to supply the Nitrile powder gloves within the prescribed period. Based on which, an agreement was entered between them on 25.02.2021 with terms and conditions. The learned counsel submitted that following the agreement, the petitioner had transferred Rs.5,85,60,000/- to the bank account of M/s.Triple Three Enterprises, New Delhi in A/c.No.409000202423 with the 3rd respondent.Later, the petitioner came to know that the accused herein had committed deception and cheated him and hence, he lodged a complaint to the 1st respondent. During investigation, the 1st respondent sent a communication, dated 12.03.2021 in C.No.11/SPU/EOW-11/2021 to the 3rd respondent Bank to freeze the account of the accused in A/c.No.409000202423. Earlier, the 2nd respondent Bank sent a letter to the 3rd respondent on 19.03.2021 and confirmed the petitioner had transferred the amount of Rs.2,00,000/- initially and thereafter, Rs.5,83,60,000/- to the account of M/s.Triple Three Enterprises, New Delhi in A/c.No.409000202423 with the 3rd respondent. This transfer was done by the petitioner for purchasing gloves from M/s.Triple Three Enterprises, New Delhi. From 26.02.2021, the total amount of Rs.5,85,60,000/- is lying idle in the account of M/s.Triple Three Enterprises, New Delhi in A/c.No.409000202423 with the 3rd respondent. Due to which, the petitioner's business cycle is completely collapsed. Now, the petitioner is in need of the money for sustaining and continuing his business. Admittedly, in this case, no gloves were supplied by M/s.Triple Three Enterprises, New Delhi.

4. The learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent filed status report and counter and made his submissions that on receipt of the complaint from the petitioner, the 1st respondent registered a case in Crime No.16 of 2021 against A1 and A2 and thereafter, sent a communication to the 3rd respondent Bank to freeze the account of the accused to avert the misappropriation and cheating. He further submitted that the investigation sofar confirmed that M/s.Triple Three Enterprises, New Delhi is not a company in existence. Now, the accused attempting to cheat the petitioner is successfully averted. The total amount of Rs.5,85,60,000/- transferred from the account of the petitioner with the 2nd respondent Bank to the account of accused with the 3rd respondent Bank has been verified and confirmed that the amount is available in the accused's bank account. He further submitted that the investigation is proceeding now, on the point of the jurisdiction, the investigation transferred to the file of the 4th respondent.

5. Considering the rival submissions and on perusal of the materials, it is not in dispute that the petitioner transferred the amount of Rs.5,85,60,000/- to the account of the accused with the 3rd respondent. After investigation, the 1st respondent found that no such company in the name of M/s.Triple Three

Enterprises, New Delhi is existence. In this case, no transaction had taken place in pursuant to the business agreement entered between the petitioner and accused dated 25.02.2021. It is also not in dispute that the amount transferred by the petitioner to the tune of Rs.5,85,60,000/- is lying in the account of the accused with the 3rd respondent Bank.

6. In view of the same, this Court directs the petitioner to file an affidavit before the 1st respondent that as and when required for investigation, the total transferred amount of Rs.5,85,60,000/- and other particulars involved in the Crime No.16 of 2021 would be made available. The petitioner to file a similar affidavit before the 4th respondent also. On receipt of the undertaking affidavit, the 1st respondent is to direct the 3rd respondent Bank viz., M/s.RBL Bank Limited, New Delhi to re-credit the amount of Rs.5,85,60,000/- from the account of the accused in A/c.No.409000202423 to the account of the petitioner in A/c.No.0338073000001906 with the 2nd respondent Bank viz., M/s.South India Bank Limited, Trirupur Avinashi Road Branch, Trirupur. As corollary M/s.RBL Bank Limited, New Delhi to re-credit the amount of Rs.5,85,60,000/-.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vv2

To

1. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Guindy,
Chennai-600 032.

2. The Deputy Superintendent of Police,
Economic Wing-II,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras.

Copy To:

The Branch Head,
The RBL Bank Ltd.,
17/A/53, WEA Karol Bagh,
Guradwar Road,
New Delhi - 110 005.

+1cc to Mr.A.Asrarul Haq, Advocate, S.R.No.38603
+1cc to Mr.A.V.Radha Krishnan, Advocate, S.R.No.38605

CRL.O.P.NO.11825 OF 2021

(CO)
PBS/18/08/2021