IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.03.2021
CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.5799 of 2017 &
WMP.No.6207 of 2017

K.Vinaykumar Reddy,
S/o.Mr.Ramana Reddy .. Petitioner

-vs-

1.The State of Tamilnadu, represented
by Inspector of Police,
Crime R-1, Mambalam Police Station,
T.Nagar, Chennai-600 017.

2.State Bank of India,
Represented by its Branch Manager,
South Bogh Road Branch,
31, Chevalier Shivaji Ganesan Road,
T.Nagar, Chennai-600 017.

3.ICICI Bank of Limited,
Represented by its Branch Manager,
Nanganallur Branch, II Main Road,
Naganallur, Chennai-600 061.

4.State Bank of India,
Represented by its Branch Manager,
Airport Road Branch,
In the House of Chhote Lal Jha,
Opp: Deendayal Nagar,
Morar, Gwalior,
Madhya Pradesh-474 041.

5.M/s.Krishna Enterprises,
Prop: Mr.Suresh Thoumar,
Huravali Tiraha Baradari,
Morar Gwalior,
Madhya Pradesh,
Pincode-474 041. .. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus directing the fourth respondent to transfer a sum of Rs.4,30,000/- bearing account NO.35759323939 of the fifth respondent to the petitioner's account maintained with the second respondent in terms of the communication dated 18.07.2016 issued by the first respondent.

For Petitioner : Mr.Swamidoss Manokaran for M/s.Pitty Parthasarathy

For Respondents : Mr.M.Mohamed Riyaz Additional Public Prosecutor for R1 to R3
M/s.M.Benazir Begum for R4

ORDER

This writ petition has been filed seeking for an issuance of writ of Mandamus directing the fourth respondent Bank to transfer a sum of Rs.4,30,000/- to the petitioner, pursuant to the communication made by the first respondent police through letter dated 18.07.2016.

2. The case of the petitioner is that the fifth respondent made an advertisement through OLX calling for intending purchasers of Toyata Innova Car. The petitioner expressed his interest in purchasing the car and he was informed that he has to pay a sum of Rs.7 lakhs. The petitioner accepted the offer and a sum of Rs.4,30,000/- was transferred to the account of the fifth respondent which was maintained in the fourth respondent bank. This amount was transferred in three installments.

3. The petitioner ultimately came to know that the fifth respondent is a fake establishment who have cheated the petitioner. Immediately, a complaint was given in the first respondent police and the first respondent police issued a communication to the fourth respondent bank to freeze the amount. Accordingly, the account was also freezed.

4. In the course of investigation, the first respondent police found that the address that was furnished and all the particulars that were furnished by the accused person were all fake and these persons belonged to Madhya Pradesh. The respondent police by communication dated 18.07.2016 informed the fourth respondent bank to transfer the amount of Rs.4,30,000/- to the petitioner. Since the same was not acted upon, the present writ petition has been filed before this Court.

5. Heard Mr.Swamidoss Manokaran, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for Respondents 1 to 3 and Ms.M.Benazir Begum for the fourth respondent.

6. It is clear from the records that the petitioner has been cheated through on-line mafia and the respondent police is not able to proceed further with the investigation, since the accused persons hailed from Madhya Pradesh. The first respondent has already informed the bank that the petitioner has

been cheated and the amount that was deposited by him can be returned back to the petitioner. This communication of the first respondent police to the fourth respondent bank is found at page 13 of the typed set of papers.

7. In view of the above, there shall be a direction to the fourth respondent to immediately transfer the amount of Rs.4,30,000/- to the account of the petitioner within a period of one week from the date of receipt of a copy of this order.

8. The petitioner is directed to make a representation to the fourth respondent along with a copy of the communication dated 18.07.2016 and a copy of this order. A copy of the representation shall also be marked to the first respondent.

9. This Criminal Original Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To
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Crime R-1, Mambalam Police Station,
T.Nagar, Chennai-600 017.

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Opp: Deendayal Nagar,
Morar, Gwalior,
Madhya Pradesh-474 041.

5.The Public Prosecutor,
High Court, Madras.

+2 cc Mr.D.S.RA.P.Pratap Singh, Advocate, SR.NO.15081

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GPL(CO)
NS(07/05/2021)