



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.06.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

W.P.(MD)No.8060 of 2021

and

WMP(MD)No.6159 of 2021

WEB COPY

Smt.K.Umadevi
Proprietor,
M/s.Omni Tech Solutions and Services,
D.No.8/7-1. Main Road,
North Chotaian Thoupoo,
Thoothukudi District - 628 002. ... Petitioner

Vs.

1. HDFC Bank Ltd,
Represented by its Branch Manager,
No.243, North Car Street,
Near Muttharamman Temple,
Tuticorin - 628 002.
- 2.The Assistant Police Inspector,
Cyber Police Station,
Office of Superintendent of Police,
Akola, Maharashtra - 411 001. ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, direct the respondents to permit the petitioner to operate her bank account bearing number 50200033552350 maintained with the first respondent bank branch without any hindrance upon removing any clog on the same created at the instance of the second respondent.

For Petitioner : Mr.N.Dilip Kumar
for T.Ramesh Raja

For R1 : Mr.A.K.Gopalan

For R2 :Mr.Veerakathiravan
Senior Counsel

for Mr.R.M.Anbunidhi,
Additional Public Prosecutor



O R D E R

This Writ Petition is filed seeking an order to permit the petitioner to operate her bank account bearing No. 50200033552350, maintained with the first respondent bank branch without any hindrance upon removing any clog on the same, created by the second respondent.

2. The brief facts are as follows:-

The petitioner is running a software Company called "M/s.Omni Tech Solutions and Services" with the help of her husband. So, she is maintaining a current account bearing No. 50200033552350 with the first respondent bank since 2018. Without proper intimation, the first respondent bank prevented her from operating the bank account, since 13.01.2021. But, reason was not given. Upon enquiry, she was informed that based on the request made by the second respondent, account has been freezed. In this connection, summon under Section 91 Cr.P.C has also been issued. The petitioner requested the first respondent to remove the clog as well as the second respondent on this behalf. Hence, this petition.

3. On 31st October 2020, one Abhilash Bhimrao Vase, resident of Dabki Road, Akola, gave a complaint stating that he has been de-frauded to the tune of Rs.1.5 lakhs by using credit card by unknown person. During the course of investigation, it was found that a sum of Rs.1,49,995/- was missing from his account and the same amount was spent from the account of the complainant from his HDFC account into Paytm Wallet and also Rezor Wallet.

4. Further, enquiry revealed that it was connected to the phone number of the petitioner's husband, which is attached to this petitioner, which also connected to the bank account belonging to the petitioner. The cyber criminals used to defraud the people and park the amount in certain accounts. So, the Investigation Officer was of the view that the husband of the petitioner would have also been defrauded. So, an intimation was given to him to join the investigation. But, there was no proper response. So, he sent a representation to Akola to enquire about the transaction. So, the husband of the petitioner was also arrayed as on accused since no proper response was given. He was requested to join the investigation through telephonic communication.

5. Moreover, the first respondent has no objection for granting permission to the petitioner for operating the account by maintaining Rs.39,999/-, which has been utilized by the use of the mobile number of husband of the petitioner namely, Kathiravan Parkunam.



6. Heard both sides.

7. The only request that has been made by the learned Senior Counsel during the course of argument is that the petitioner as well as her husband must co-operate with the Investigation Officer based upon the complaint given by one Abhilash Bhimrao Vase. But, in spite of telephonic request, there is no proper co-operation either from the petitioner or her husband. So, he wants the matter to be kept pending to see the conduct of the petitioner and her husband.

8. It is the submission of the learned counsel for the petitioner that she and her husband are always ready to co-operate with the Investigation Officer and ready to make a telephonic conversation and due to the pandemic situation, they are not in a position to travel to Akola.

9. But, the learned counsel for the second respondent would submit that even the petitioner and her husband were not responding the telephonic conversation, as mentioned in the counter, a case was registered and the account of the petitioner was freezed. The involvement of the husband of the petitioner is also suspected and so, he was arrayed as an accused. It is the duty and obligation, on the part of the petitioner and her husband to co-operate with the Investigation Officer.

10. However, in the counter, it has been stated that the petitioner may be permitted to operate the account by maintaining Rs.39,999/- as minimum amount in the account, which is also involved in the occurrence.

11. I am of the considered view that the contention made by the second respondent is reasonable and acceptable one. The petitioner is running a Software Developing Company and she requires money transaction for running the business. So, considering this fact, this petition is ordered with the following conditions:-

(i) The petitioner is permitted to operate the account No. 50200033552350 by maintaining the amount of Rs.39,999/-.

(ii) The first respondent herein also must ensure the maintenance of the minimum amount as mentioned above and at no point of time, the first respondent shall permit to withdraw this amount also.

(iii) The petitioner and her husband are directed to co-operate with the Investigation Officer fully and effectively and if there is any non-cooperation on the part of the petitioner,



the second respondent is at liberty to take appropriate action and steps, in this regard. The undertaking given by the learned counsel for the petitioner, on this aspects is also placed on record.

WEB COPY 12. With this above direction, this Writ Petition stands disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
The Assistant Police Inspector,
Cyber Police Station,
Office of Superintendent of Police,
Akola, Maharashtra - 411 001.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-20935[F] dated 01/07/2021)

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CN(07.07.2021) 4P 3C