



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.6486 of 2022

IN CRL.O.P.No.11252 of 2022

1 RAFOOL DIGITAL PUBLISHER OPC PRIVATE LIMITED, [PETITIONERS
REPRESENTED BY ITS MANAGING DIRECTOR, / ACCUSED 1 TO 3]
MR.SIVA NARENDIRAN

2 RAFOOL RETAIL OPC PRIVATE LIMITED,
REPRESENTED BY ITS MANAGING DIRECTOR,
SIVA NARENDIRAN

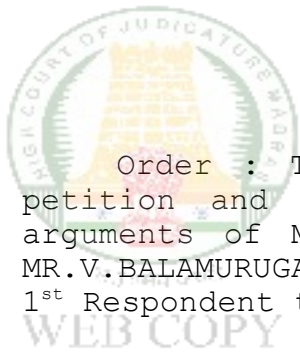
3 SIVA NARENDIRAN

Vs

1 THE INSPECTOR OF POLICE [RESPONDENT / COMPLAINANT]
CB CID,
PONDICHERRY.
CRIME NO.18 OF 2021.

2 JACOB VARUN PRAVEEN [RESPONDENT / DEFACTO COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Direct the respondent police to take appropriate steps and instruct, "Razorpay" payment gateway, to defreeze the petitioners Bank account enabling the flow of funds to the depositors of the petitioner 1 and 2 company and to defreeze the Petitioners Bank Account maintained with IDFC First Bank, Account Number 10035744627, IFSC Code IDFB0080102, Nungambakkam Branch, Chennai pending disposal of the above CRL.O.P.No.11252 of 2022, and pass necessary order as this Hon'ble Court deems fit and proper and thus render justice.



Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.B.BALAVIJAYAN, Advocate for the petitioner and of MR.V.BALAMURUGANE, Public Prosecutor for Puducherry on behalf of the 1st Respondent the court made the following order:-

This Criminal Original Petition has been filed to quash the FIR filed under Section 120-B, 406 and 420 of IPC, on the basis of the complaint lodged by the Ex-employee of the petitioners' company. The petitioners' company is doing a business of online trading. The complaint is focused on the main ground that the funds payable to the customers has not been paid and the defacto complainant alleged that the amount payable to him has not been paid.

2. Learned counsel for the petitioners submits that the entire amount payable to the customers was in the petitioners' company account in IDFC First Bank, Nungambakkam Branch, Chennai. He further submits that due to the lodging of FIR, the police have sent a letter to freeze the account of the petitioners' company and because of the freezing of the account, the amount directly payable to the customers accounts has not been sent. His further contention is that once the account is defrozeed, the entire amount payable to the customers will be automatically credited to the customers accounts.

3. Mr.V.Balamurugane, learned Additional Public Prosecutor, Pondicherry submits that only because of the FIR, the letter has been sent to the IDFC First Bank, Nungambakkam Branch, Chennai to freeze the account of the petitioners' company and if the petitioners company abide by any conditions imposed by this Court, this Court may direct the IDFC First Bank, Nungambakkam Branch, Chennai to defreeze the account of the petitioners' company. He further submits that none of the customers have raised any complaint and if the amount lying in the account of the petitioners' company is credited to the concerned customers, he does not have any objection to quash the FIR.

4. Heard learned counsel for the petitioners and learned Additional Public Prosecutor, Pondicherry for the respondent police.

5. In view of the above, this Court directs the respondent police to issue notice to the IDFC First Bank, Nungambakkam Branch, Chennai to defreeze the account of the petitioners' company within a week from today. However, it is made clear that if this Court finds that the amount is not credited to the respective accounts of the customers, the petitioners' company will be prosecuted separately for some other offences also as per law.

6. With the above directions, this Criminal Miscellaneous Petition is ordered.



7. Notice to the respondents returnable by 30.06.2022. Private notice is also permitted.

-sd/-
10/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE
CBCID, PONDICHERRY.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.B.BALAVIJAYAN Advocate on payment of necessary charges SR.NO.8853

Order
in
CRL MP.6486/2022
in
CRL OP.11252/2022

Date :10/06/2022

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

JPA 28/06/2022