IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.No.20719 of 2022

1.M/s.Shri Ram Services,
Represented by Mrs.Ravina Yadav

2.Ravina Yadav ... Petitioners

Vs.

1.State rep.by
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.
(Crime No.81 of 2022)

2.M/s.IDFC First Bank Limited,
Represented by Branch Manager,
Ground Floor, Property No.A-002,
Town Square, Sector 82-A, Gurugram,
Haryana – 122004.

3.M/s.HDFC Bank Ltd.,
Represented by Branch Manager,
Vatika India Next,
Sec 82A, Shikohpur, Gurgaon,
Haryana – 122004. ... Respondents

Prayer : The Criminal Original Petition is filed under Section 482 Cr.P.C. to defreeze the Bank Accounts of the petitioner in HDFC Bank, Shikohpur Branch bearing an account number-50100434270892 and accounts of M/s.Shri Ram Services in HDFC Bank, Shikohpur Branch bearing an account number 50200062107972 and in IDFC Bank, Gurgaon – Sec 82 Branch bearing an account number 10067907777, frozen the instruction of the 1st respondent police in relation to the Crime No.81 of 2022.

For Petitioners ... Mr. G.R.Hari

For Respondents ... Mr. E. Raj Thilak, for R1
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed for a direction to defreeze the bank accounts maintained by the petitioners.

2. Learned counsel for the petitioner submitted that the respondent police freezed the bank accounts of the petitioners bearing account Nos.50100434270892, 50200062107972 and 10067907777 on the ground that the second petitioner husband, Sachin Yadav was arrested in connection with Crime No.81 of 2022, for the offences punishable under

Sections 8(c), 22(a), 22(c), 29(1) of the Narcotic Drugs and Psychotropic Substances Act and under Sections 465, 468 and 472 IPC.

2(i). Learned counsel for the petitioners further contended that the second petitioner's account is not connected with the transaction of her husband. No money has been transacted through her account by her husband. The Account No.50100434270892 is her personal account and the remaining two accounts bearing Nos.50200062107972 and 10067907777 is maintained by the second petitioner in the name of M/s.Shri Ram Services.

3. Under these circumstances, the respondent police freezed the three accounts. As though it is operated by the accused husband. Since the second petitioner is no way connected with the activities of the accused, her accounts have to be defreezed.

4. When the matter is taken up, the learned Additional Public Prosecutor appearing for the first respondent submitted that in this case investigation has been completed and charge sheet has also been filed.

Further it is submitted that only one transaction for a sum of Rs.1 lakh was transferred to the second petitioner's personal account bearing No.50100434270892. With regard to remaining two accounts, the accused is only a nominee and there is evidence that a sum of Rs.2,30,000/- was transferred. Apart from this, there is no transaction involving these three accounts.

5. Considered the rival submissions and perused the records.

6. On perusal of records, it is seen that the second petitioner's husband is charged by the respondent police and registered a case against him in Crime No.81 of 2022 on 17.03.2022 for the offences under Sections 8(c), 22(a), 22(c), 29(1) of the Narcotic Drugs and Psychotropic Substances Act and under Sections 465, 468 and 472 IPC. Now, investigation has been completed and charge sheet has been filed. During the course of investigation, the respondent police freezed the accounts of the second petitioner, as wife of the accused, on suspicion, that illegal money has been transacted through these accounts. Now, after completion

of investigation, the police are unable to trace any evidence to show, any money has been transacted by the accused through these 3 accounts, apart from one transaction transferring a sum of Rs.2,30,000/- through the personal account. Being husband and wife, accused transacted that amount through her personal account. There is no further material to show that there was money obtained through illegal transaction to his benefit. With regard to remaining two accounts bearing Nos.50200062107972 and 50100434270892 they are maintained in the name of M/s.Sri Ram Services by the second petitioner and they are no way connected with the alleged crime committed by the accused.

7. Under these circumstances, this Court finds that the freezing the bank accounts of the second petitioner is unsustainable and it is liable to be defreezed. Accordingly, the freezing order of the first respondent police of three accounts bearing Nos. 50100434270892, 50200062107972 and 10067907777 is hereby set aside and the respondent police is directed to defreeze the accounts.

V.SIVAGNANAM ,J.

8. In the result, this Criminal Original Petition is allowed.

27.10.2022

AT
Index : Yes/No

To
1.The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai.

2.The Public Prosecutor,
High Court of Madras.

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