IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.11760 of 2015

1) M/s.Helios and Matheson Information Technology Ltd.,
Represented by its Managing Director Mr.G.K.Muralikrishna,
No.9, Adware Towers, South Boag Road,
T.Nagar, Chennai.600 017.

2) G.K.Muralikrishna,
CEO and Managing Director,
M/s.Helios and Matheson Information Techonology Ltd.,
No.9, Adware Towers, South Board Road,
T.Nagar, Chennai-600 017.

3) Diwakarsai Yerra
Director,
M/s.Helios and Matheson Information Technology Ltd.,
No.9, Adware Towers, South Board Road,
T.Nagar, Chennai-600 017.

4) V.Ramachandran ... Petitioners

-Vs-

The state,
Represented by the Deputy Superintendent of Police,
EOW-II, Anna Nagar,
Chennai-600 040. ... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, directing the respondent to De-Freeze the first petitioner company's Bank of India Mid Corporate Branch Cash Credit Account No.800430100000063, Bank of India Current Account No.800420100001957, HDFC Bank Ltd., CMS A/c.00602320004708, Axis Bank Current Account No.006010200010557, Standard Chartered Bank Current Account No.42705519151 as well as the personal Axis Bank Ltd., R.K.Salai Salary A/c.No.0060101000171045 of the second petitioner, Axis Bank Ltd., R.K.Salai Salary A/c.No.0060101000171069 of the third petitioner and Axis Bank Ltd., R.K.Salai Salary A/c.No.006010100171151 of the fourth petitioner in connection with Crime No.05 of 2015.

For Petitioners : Mr.Nithyaesh Natraj

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl.Side)

ORDER

This petition has been listed before this Court under the caption "entire bundle not available cases."

2. This Criminal Original Petition is filed to direct the respondent to De-

Freeze the first petitioner company's Bank of India Mid Corporate Branch Cash Credit Account No.800430100000063, Bank of India Current Account No.800420100001957, HDFC Bank Ltd., CMS A/c.00602320004708, Axis Bank Current Account No.006010200010557, Standard Chartered Bank Current Account No.42705519151 as well as the personal Axis Bank Ltd., R.K.Salai Salary A/c.No.0060101000171045 of the second petitioner, Axis Bank Ltd., R.K.Salai Salary A/c.No.0060101000171069 of the third petitioner and Axis Bank Ltd., R.K.Salai Salary A/c.No.006010100171151 of the fourth petitioner in connection with Crime No.05 of 2015 registered for the offences under section 5 of TNPID Act, 1997 and Section 420 of IIPC.

3. The case of the prosecution is that the defacto-complainant had deposited of Rs.59,50,000/- as five deposits in his name with M/s.Helios and Matheson Information Technology Ltd., through the agent company M/s.Bajaj Capital Limited, Mylapore Branch, Chennai for a period of one year to three years between 11.07.2011 and 16.12.2013 at the rate of 12% interest. Out of five deposits, three deposits were matured on 14.05.2014,12.06.2014 and 11.07.2014 for a total sum of Rs.36,50,000/- with interest thereon. But the petitioner/accused company defaulted in repaying the deposit amount of the complainant even after maturity period inspite of repeated demands made by

the complainant. The petitioners/accused company has received deposits from the General Public from the year 2003 at the interest of 12% per annum for a period of 12,24 and 36 months. The company had collected deposit amounts by engaging some agents from the General public on commission basis by way of cheque/Demand Draft and the same were sent to Mumbai branch of the first petitioner. The said company was collected a total sum of Rs.80,31,00,760/- as deposit from 1629 depositors from all over India and failed to repay the principal and interest amount even after the date of maturity as promised by the first petitioner/accused. Hence, the complaint.

4. The petitioners are the accused in Cr.No.05 of 2015 registered for the offences under sections 5 of TNPID Act, 1997 and Section 420 of IPC, alleging that the petitioners had collected the total sum of Rs.80,31,00,760/- from the 1629 innocent depositors. Thereafter, they failed to repay the said amount. Pursuant to the registration of FIR, the accounts of the petitioners have been freezed for the purpose of investigation. Now, the investigation completed, final report was filed and the same was taken cognizance in C.C.No.07 of 2020 and it is pending for trial before the learned TNPID Court, Chennai. There are totally 23 bank accounts in relation to the petitioners company and others have been frozen for the purpose of investigation. The accused company filed a

petition in Crl.O.P.No.11760 of 2015 for de-freezing the bank accounts, in which, this Court passed an interim order dated 09.10.2015 in Crl.O.P.No.11760 of 2015 and four accounts were de-freezed. They were directed to repay the amount. So far as the remaining accounts, they have not been de-freezed and it lies to the tune of Rs.97,34,224.71/-. As per the Government Order passed in G.O.Ms.No.663 of Home (Police-19) Department dated 24.08.2017, the said sum have been attached. Therefore the prayer sought for in this petition cannot be considered.

5. Accordingly, this Criminal Original Petition is dismissed.

24.11.2023

Index :Yes/No
Internet : Yes/No
Speaking order/non-speaking order
gvn

G.K.ILANTHIRAIYAN, J.

gvn

To

1) The Deputy Superintendent of Police,
EOW-II, Anna Nagar,
Chennai-600 040.

2) The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.11760 of 2015

24.11.2023