



WA No.261 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.261 of 2023

1.Chitra Kanagaraj  
2.Vidhya Saraswathi Kanagaraj  
3.Kavitha ... Appellants

[Appellants 1 to 3 represented by their  
General power of attorney  
Mr.Prathap Bathala]

Vs

1.The Under Secretary to Government  
Ministry of External Affairs  
Overseas Indian Affairs, Government of India  
South Block, New Delhi 110 001

2.The Regional Manager  
Reserve Bank of India  
Fort Glacis, Chennai - 600001

3.The Regional Manager,  
IDBI Bank Ltd. No.37, P.M.Towers  
Thousand Lights, Chennai-600006

4.The Branch Manager  
IDBI Bank Ltd., Avadi Branch

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Vasantham Nagar  
Avadi, Chennai-600054

5.K.Subbulakshmi

...

Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 12.01.2023 in W.P.No.4819 of 2022.

For the Appellants :: Mr.R.Prabhakaran

For the Respondents :: Mr.V.Vijay Shankar,  
for the fifth respondent

### JUDGMENT

(Made by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 12.01.2023 in WP No.4819 of 2022.

2. Learned counsel for the appellants would submit the appellants have accepted the fifth respondent, their step-mother, as their real mother, and allowed her to stay with them in the United States of America (for short, the USA). It is the allegation of the appellants that during the stay period, the fifth respondent had stolen jewellery, cash in USD Currency and also title deeds of the properties,



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regarding which a criminal case was lodged before the jurisdictional police at the USA. The investigation did not proceed further since the fifth respondent had come back to India. The entire records were thereafter transferred to the Indian Embassy and the case was subsequently transferred to the file of the Inspector of Police, V-7 Nolampur Police Station, Ambattur who registered CSR No.42 of 2022 against the fifth respondent. After enquiry, the Inspector of Police closed the said complaint stating that action has been dropped. Aggrieved thereby, the appellants have filed CrI.M.P.No.2686 of 2022 before the Judicial Magistrate, Ambattur. The learned Magistrate, by order dated 29.09.2022, had directed the Inspector of Police, Nolambur Police Station to conduct an enquiry and if any cognizable offence had been made out, to register a first information report and send a report to the Magistrate Court. However, no information was forwarded to the learned Magistrate, as no progress was made in the investigation. It is at this stage, the appellants have filed this writ petition, seeking a direction upon the third and fourth respondents to freeze the bank accounts of the fifth respondent.

3. The learned counsel for the appellants would submit that only when the bank account of the fifth respondent is frozen, in the event of success by the appellants, they would be able to recover the money back, and on the other hand, if the fifth respondent withdraws money from the bank, it would be difficult to



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execute any order passed by this Court for recovery of money.

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4. We are unable to find any merits in the contentions raised by the learned counsel for the appellants. When the fifth respondent left the USA, a case was registered by the appellants alleging that the fifth respondent had taken away their jewellery, cash in USD currency and also title deeds of the properties, before the jurisdictional police in the USA. After the fifth respondent came down to India, the entire records had been transferred to the Indian Embassy and thereafter, the case was transferred to the file of the Inspector of Police, V-7 Nolampur Police Station, Ambattur, who registered CSR No.42 of 2022 against the fifth respondent. The Inspector of Police, after enquiry, closed the said complaint stating that action has been dropped. Dissatisfied with the closure, the appellants have filed Crl.M.P.No.2686 of 2022 before the Judicial Magistrate, Ambattur. The learned Magistrate, by order dated 29.09.2022, had directed the Inspector of Police, Nolambur Police Station to conduct an enquiry and if any cognizable offence had been made out, to register a first information report and send a report to the Magistrate Court. However, till date, no such information has been forwarded to the Magistrate, as the investigation is still going on. Therefore, the appellants have to workout their remedy only in the manner known to law. Without even knowing what is the final out come of the investigation, the appellants cannot ask



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for freezing of bank accounts of the fifth respondent.

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5. There is no merits in the writ appeal. The writ appeal fails and the same is dismissed. There will be no order as to costs. Consequently, CMP Nos.2699 and 2701 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)  
09.02.2023

Index : Yes/No  
Neutral Citation : Yes/No  
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D.BHARATHA CHAKRAVARTHY, J.

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