



W.P.No.12544 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.12544 of 2023
and W.M.P.No.12375 of 2023

FCAP Technologies Private Limited,
Registered office at:
1412A, Beverly Park 2,
DLF Phase II,
MG Road,
Gurgaon, Haryana 122 002.

... Petitioner

Vs.

1.State of Tamil Nadu

Represented by Additional Chief Secretary to Government,
Home, Prohibition and Excise,
Government of Tamil Nadu,
St.George Fort,
Chennai.

2.The Inspector of Police,

Cyber Crime PS,
Police Control Room Building,
Linemedu,
Salem City,
Tamil Nadu.

3.IndusInd Bank Ltd.

Represented by its Authorized Signatory
Having branch office at:
Acme Plaza, CTS No.32,



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Opp. Sangam Talkies, Andheri Kurla Road,
Andheri (East), Mumbai – 400 059.

... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus forbearing respondents No.1-2, their officers, sub-ordinates, agents or any other persons or entities claiming and / or acting under the said respondents from, in any manner interfering with the operation of the bank accounts of the petitioner, including but not limited to the current account No.201003344973 maintained with the third respondent i.e., IndusInd Bank, Andheri East Branch.

For Petitioner : Mr.Satish Parasaran (Senior counsel)
for M/s.Akshaya Ramadurai
For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl side)
(For R1 and R2)

ORDER

This Writ Petition has been filed to issue Writ of Mandamus forbearing respondents No.1-2, their officers, sub-ordinates, agents or any other persons or entities claiming and / or acting under the said respondents from, in any manner interfering with the operation of the bank accounts of the petitioner, including but not limited to the current account No.201003344973 maintained with the third respondent i.e., IndusInd Bank, Andheri East Branch.

2.It is the submission of learned senior counsel for the petitioner that



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petitioner's account in current account No.201003344973 was frozen on the instruction of second respondent for no fault of the petitioner. Petitioner is no way involved in any of the cyber crime offence, nor the petitioner is an accused in the case. Petitioner own and operates a mobile based application which provides a platform enabling payment of rent, utility, maintenance, GST, vendors or any bills. Petitioner discovered that the debit transaction from its bank account maintained with third respondent with the account No.201003344973 could not be effected. The third respondent informed the petitioner that it was instructed by the second respondent to freeze the petitioner's account. Petitioner on verification found that one Krishnamurthy Venugopal gave a complaint that when he clicked a link received, amounts have been withdrawn from his account. Petitioner has no connection with that cyber crime. Despite the petitioner providing all the necessary information as requested by the second respondent, the freezing is still continued. Therefore, this petition.

3.It is seen from the submission that in the said transaction only a sum of Rs.1 was withdrawn using petitioner's app. This has been confirmed by the counter affidavit filed by the second respondent in paragraph No.6.



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4.The learned Government Advocate (Criminal side) is not able to produce any material necessitating the freezing of the petitioner's account in connection with any criminal case. Therefore, the order of second respondent is set aside. Second respondent is directed to instruct the third respondent to de-freeze the account No.201003344973 maintained with the third respondent / IndusInd Bank, Andheri East Branch, to facilitate the petitioner to operate his account immediately.

5.With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

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Index:Yes/No
Speaking/Non speaking order

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To

1.State of Tamil Nadu

Represented by Additional Chief Secretary to Government,
Home, Prohibition and Excise,
Government of Tamil Nadu,
St.George Fort,
Chennai.

2.The Inspector of Police,

Cyber Crime PS,
Police Control Room Building,
Linemedu,
Salem City,
Tamil Nadu.

3. The Public Prosecutor,

High Court of Madras.



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