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W.P.No.15134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15134 of 2023

And

W.M.P.Nos.14626 and 14627 of 2023

V.S.T.EXIM, Proprietorship Concern,
Represented by it's Sole Proprietor
V.Suthanthirathan

... Petitioner

Vs.

1.The State Bank of India
Represented by its Branch Manager,
SBI Mannargudi Town Branch,
Mannargudi, TN – 614 001.

2.The State,
Represented by Inspector of Police,
Cyber Crime Police Station,
Rachakonda Commissionerate,
L.B.Nagar, Hyderabad – 500 074.

3.The State,
Represented by the Inspector of Police,
Cyber Crime Police Station,
Rajkot City,
Gujarat – 360 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the records



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pertaining to the impugned debit freeze notices in alleged connection with FIR No.127/2023 and Sub/Case.NCRP.239/2023 issued by the 2nd and 3rd Respondent Police under Section 91 and 102 of Cr.P.C. dated 04.03.2023 and 06.04.2023 and to quash the same and may be pleased to direct the 1st Respondent bank to defreeze the Bank Accounts of the Petitioner and that of the Proprietor viz.SBI A/c.No.34377090482 vide IFSC:SBIN0017282 and SBI A/c.No. 34913640806 vide IFSC:SBIN0017282, SBI Mannargudi Town Branch, standing in the name of the proprietary concern M/s.V.S.T.EXIM represented by its Proprietor and the savings account of the Proprietor namely V.Suthanthirathasan, in alleged connection with FIR No.127/2023 & Sub/Case:NCRP:239/2023, on the file of the 2nd and 3rd Respondent Police.

For Petitioner : Mr.S.Nirmal Aditya

For Respondents : Mr.M.Devaraj for R1
Mr.K.Ramanamoorthy for R2
Central Government Standing Counsel

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned debit freeze notices in alleged connection with FIR

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No.127/2023 and Sub/Case.NCRP.239/2023 issued by the respondents 2 and 3 under Sections 91 and 102 of Cr.P.C. dated 04.03.2023 and 06.04.2023 and to quash the same and may be pleased to direct the first respondent Bank to defreeze the Bank Accounts of the petitioner and that of the Proprietor viz.SBI A/c.No.34377090482 vide IFSC:SBIN0017282 and SBI A/c.No. 34913640806 vide IFSC:SBIN0017282, SBI Mannargudi Town Branch, standing in the name of the Proprietary concern M/s.V.S.T.EXIM represented by its Proprietor and the savings account of the Proprietor namely V.Suthanthirathasan, in alleged connection with FIR No.127/2023 and Sub/Case:NCRP:239/2023, on the file of the respondents 2 and 3.

2.The learned counsel appearing for the petitioner submitted that the petitioner has filed this writ petition challenging the debit freeze notices issued by the respondents 2 and 3 and further submitted that without interfering with the impugned notices, this Court may permit the petitioner to approach the second respondent by producing necessary documents and issue direction to the second respondent to conclude the enquiry and if the enquiry reveals that the petitioner is innocent, the respondents may allow the petitioner to operate the Bank account.



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3.The learned Central Government Standing Counsel appearing for the second respondent submitted that the petitioner may be directed to cooperate with the second respondent for the enquiry and if the enquiry reveals that the petitioner is innocent, the respondents will allow the petitioner to operate the Bank account.

4.In view of the above, this Court, without expressing any opinion on the merits of the case, directs the second respondent to hear the petitioner, conduct enquiry and pass appropriate orders with regard to operation of the Bank account, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

13.06.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

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M.DHANDAPANI,J.
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