



W.P.No.21476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.21476 of 2023

S.Sabeena

... Petitioner

Vs.

1. The Inspector of Police,
Cyber Crime Police Station-Tenkasi District,
GPS Towers, New Bus Stand, NH744,
Tenkasi - 627 811.

2. State Bank of India,
Represented by its Branch Manager,
Mahindra World City Branch,
The Canopy Commercial Complex,
Natham Sub Post, Chengalpattu - 603 004.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, declaring the action of the second respondent freezing the savings bank account bearing Account No.20120424435 maintained with the second respondent as illegal and consequently, direct the respondents to de-freeze the same and to enable the petitioner to operate the same.

For Petitioner : Ms.Deepika.B.Revanth

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1



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ORDER

This petition has been filed for a direction to the respondent Police to de-freeze the bank account of the petitioner maintained before the second respondent Bank.

2. When the matter came up for hearing on 31.07.2023, this Court directed the learned Additional Public Prosecutor to get instructions.

3. When the matter was taken up for hearing today, it is brought to the notice of the Court that the bank account was freezed by the first respondent when the case was at the stage of enquiry in C.S.R.No.64 of 2023.

4. In the considered view of this Court, the bank account cannot be freezed at the stage of enquiry even before the FIR is registered. In view of the same, the freezing of the bank account becomes illegal. If really the first respondent feels that the freezing of the bank account becomes



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essential during the course of investigation by considering the seriousness of the offence, the first respondent has to necessarily follow the mandate under Section 102 of Cr.P.C.

5. In the light of the above discussion, there shall be a direction to the first respondent to de-freeze the bank account of the petitioner maintained before the second respondent Bank. It is also left open to the first respondent to follow the procedure / mandate under Section 102 of Cr.P.C., if the first respondent wants to freeze the bank account of the petitioner in the course of investigation.

6. This Writ Petition is disposed of accordingly. No costs.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji / veda



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To

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Mahindra World City Branch,
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N.ANAND VENKATESH, J.

vji / veda

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