



Crl.OP.No.31843 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.01.2023

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31843 of 2022

Marimuthu

...Petitioner

Vs.

1.The State Represented by
Superintendent of Police,
SP Office,
Tiruppur District.
(Ref.Cr.No.343 of 2022 dt.13.08.2022)

2.The Inspector of Police,
Perumanallur Police Station,
Tiruppur.

3.The Manager,
SBI Bank,
Kumar Nagar Branch,
Tiruppur.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to de-freeze the petitioner's bank account bearing No.37107798277 of the maintained at SBI Bank, Kumar Nagar Branch, Tiruppur and to permit the petitioner to operate the said account which were frozen by the 2nd respondent.



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For Petitioner : Mr. Deepan Uday
For Respondent : Mr. S. Santhosh (for R1 and R2)
Government Advocate (Crl side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent to de-freeze the petitioner's bank account bearing No.37107798277 maintained at SBI Bank, Kumar Nagar Branch, Tiruppur and to permit the petitioner to operate the said account which were frozen by the second respondent.

2. The learned counsel for the petitioner submitted that petitioner is not an accused and he is no way connected with the case registered in Crime No.343 of 2022 for the offence under Section 420 I.P.C, 1860, by the Perumanallur Police Station, Tiruppur. However, his account No.37107798277 is unlawfully freezed by the responded Police. Therefore, this petition.

3. The learned Government Advocate (Criminal side) submitted that proceeds of crime in Crime No.343 of 2022 is deposited in the account of the



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petitioner. Therefore, his account was frozen.

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4.The First Information Report allegations show that defacto-complainant made a complaint against one Eswaran alleging that in the business transaction of supplying the dress materials, sum of Rs.4,35,000/- was to be paid by the said Eswaran. Since, Eswaran has not paid the amount, he lodged a complaint leading to registration of the First Information Report. This Court fails to understand as to why and how the account of the petitioner was frozen in this case. The respondent is not able to produce any single material to connect the transfer of Rs.4,35,000/- from Eswaran to petitioner's account. Therefore, this Court finds that freezing of the account bearing No. 37107798277 of the petitioner without following the procedure required under law is illegal and liable to be set aside and accordingly communication from the Inspector of Police, Perumanallur Police Station, dated 18.08.2022 is set aside. The second respondent is directed to de-freeze the petitioner's bank account bearing No. 37107798277 and permit the petitioner to operate the said account.

5.This Criminal Original Petition is allowed as indicated above.

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Index:Yes/No

Speaking Order: Yes/No

To

1.The State represented by,
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2.The Inspector of Police,
Perumanallur Police Station,
Tiruppur.

3.The Manager,
SBI Bank,
Kumar Nagar Branch,
Tiruppur.

4.The Public Prosecutor
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

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