



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14/06/2023

CORAM

The Hon'ble Mr. Justice **G. ILANGO VAN**

WP (MD) No. 9500 of 2023

A. Ummar Farook Ali : Petitioner

Vs.

1. State rep. by its
The Inspector of Police,
Special Cyber Crime Unit,
Jaipur North Police Station,
Jaipur, Rajasthan State : R1/Complainant

2. The Branch Manager,
Punjab National Bank,
Ilayankudi,
Sivagangai District. : R2/De-facto Complainant

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to defreeze the Current Bank Account No. 2134050001335 maintained by the petitioner with the 2nd respondent Bank forthwith and pass such further or other orders.



WEB COPY

For Petitioner : Mr.Issac Mohan Lal
Senior Counsel
for M/s.V.Muthukamatchi

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For 2nd Respondent : Mr.V.Veera Pandian
for M/s. Vast Law Association

O R D E R

This writ petition is filed seeking direction to the respondents to de-freeze the Current Bank Account No.2134050001335 maintained by the petitioner with the 2nd respondent Bank forthwith.

2.The facts in brief:-

The petitioner is a business-man running a business in the name and style of Indian Travels and Tours and he is maintaining Current Account in the second respondent Bank bearing Account No.2134050001335 and it is used for the business purpose. The second respondent has frozen the account of the petitioner, on 11/01/2023. So, he made a representation, on 06/02/2023 to the second respondent to furnish the details of the proceedings. A



reply was sent stating that instruction was received from the Special Cyber Crime Unit, Jaipur North Police Station, Rajasthan, endorsed by the Cyber Crime Monitoring Cell, Punjab National Bank, New Delhi. On the basis of the above said request only, the account was freezed. But further details were are not given and the personal enquiry with the second respondent reveals that a sum of Rs.4,00,000/- was credited in his account, which is a suspicious money. Without following proper proceedings set out under section 102 of Cr.P.C, the above said proceedings have been initiated and done. Seeking qushment of the same, this writ petition has been filed.

3.When the writ petition was moved, the learned Additional Public Prosecutor was required to get instructions from the Inspector of Police, Special Cyber Crime Unit, Jaipur North Police station, Rajasthan as to the fact, which led into the request for freezing the account. In spite of repeated adjournments, the learned Additional Public Prosecutor was not in a position to get instructions and even a copy of the FIR could not be made available to the court.



WEB COPY

4.The second respondent appeared through Advocate and he has produced the communication received from the concerned authority.

5.The communication, dated, 02/06/2023 reads that they are investigating the financial fraud and during the above said investigation, some suspicious transfer of Rs.4,00,000/-, on 03/01/20213 was detected in the account of this petitioner. Seeking some particulars, the freezement of the account was requested. In pursuance of the above said request, the account was freezed and later, by communication, dated 02/06/2023. Probably, after hearing of this writ petition, another communication was received from Jaipur North Police Station, Rajasthan by the second respondent requesting the second respondent to maintain Rs.4,00,000/- in the account of this petitioner and in respect of freezement, it was requested to unfreeze the account subject to maintain the balance amount of Rs.4,00,000/- Even this letter was not addressed to the learned Additional Public Prosecutor.



WEB COPY

6.By relying upon this letter, or communication as the case may be, the second respondent would submit that only because of the above said request or in pursuance of the above said request that has been made by the Investigating Officer, frezement of the account has been made. Now they already defreezed the account with a condition to maintain the balance of Rs.4,00,000/-. When this was brought to notice of this court, I enquired the petitioner counsel, whether he is ready to maintain the balance of Rs.4,00,000/-. The learned Senior counsel would submit that already such an undertaking has been made by him, which is also available in the affidavit itself. He draw the attention of this court the ground made in the petition.

7.In view of the undertaking given by this petitioner and in view of the de-freezement of the account, subject to maintaining Rs.4,00,000/-, now the matter has become infructuous. Of course, it must be disposed of with certain conditions.



WEB COPY

8.At the time of hearing, the learned counsel appearing for the second respondent also brought to the notice of this court, a notice under sections 91 and 102 Cr.P.C issued by the Government of Telangana, Police Department, dated 11/04/2023, seeking certain particulars wherein it has been stated that they are investigating the Crime No.544 of 2023 under sections 66(C), (D) ITA ACT 2008 and section 419 and 420 IPC. Now they are duty bound to comply the above said request also But any trouble is made to the petitioner's account by freezing, the petitioner is at liberty to take appropriate proceedings in the manner to known law. Only particulars have been called for and no request has been received by the second respondent for -freezement of the account, in pursuance of the the request made by the Government of Talangana, Police Department, dated 11/04/2023.

9.So the writ petition is disposed of with a direction to the petitioner to maintain the balance amount of Rs.4,00,000/- in his account. At no point of time, the above said amount must be permitted to be withdrawn by the petitioner. The undertaking given by the petitioner is also placed on record.



10. With that, this writ petition stands **disposed**

WEB COPY

of. No costs.

14/06/2023

Index: Yes/No

Internet: Yes/No

er

To,

1. The Inspector of Police,
Special Cyber Crime Unit,
Jaipur North Police Station,
Jaipur, Rajasthan State
2. The Branch Manager,
Punjab National Bank,
Ilayankudi,
Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



8

G.ILANGOVA, J

er

WP (MD) No. 9500 of 2023

14/06/2023



WEB COPY

