



Writ Petition (MD).No.9701 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.05.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE R.THARANI

Writ Petition (MD).No.9701 of 2023
and W.M.P.(MD)No.8571 of 2023

R.Baskara Pandiyan

... Petitioner

Vs.

1.The Superintendent of Police,

Economic Offenses Wing (S.P).

SIDCO, Corporate Building First Floor,

Thiru.Vi.Ka.Industrial Estate,

Guindy, Chennai – 600 032.

2.The State rep. Through

The Inspector of Police,

Economic offence Wing No.II,

Viruthunagar District.

3.The Branch Manager,

Tamilnadu Mercantile Bank,

Thiruthangal Branch,

No.488/4, Renugadevi Complex,

Thiruthangal,

Virudhunagar District – 626 130.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to defreeze and permit to operate the petitioner's savings account in Account No.231100050300886, on the file of the third respondent's Bank by considering the petitioner's representation, dated 13.04.2023.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents 1 to 3 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The writ petition is filed to permit the petitioner to operate his savings account, in Account No.231100050300886, on the file of the third respondent's Bank.

2. The allegation against the petitioner is that the petitioner and others were running a Private Bank without any approval from the Reserve Bank of India and they defrauded money. A case in Crime No.1 of 2022, for the offences under Sections 406, 420 and 120B of I.P.C was registered against the petitioner and others.



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3. The case of the petitioner is that the maternal uncle of his daughter-in-law, namely, Johnselvaraj, started a private Bank, in the name of “Inigo”. The said John Selvaraj made an impression that the Bank got permission from the Reserve Bank of India. Believing his words, the son of the petitioner, daughter-in-law of the petitioner joined the said Bank as Employees. The petitioner, his mother and his daughter have jointly deposited a huge amount of Rs.13,00,000/-. Thereafter, they came to understand that the said Bank was not approved by the Reserve Bank of India and that they were defrauded. Though the petitioner's son and daughter-in-law were working in the Bank, they were not aware of the day to day affairs of the Bank.

4. On the side of the petitioner, it is further stated that in the year 2021, the depositors of the Bank were defrauded by JohnSelvaraj, one of the depositors lodged a complaint against JohnSelvaraj and the daughter-in-law of the petitioner. Even though the petitioner was one of the victims, the second respondent has sent a request to the third respondent, without the knowledge of the petitioner, to freeze the account of the petitioner. The marriage of the daughter of the petitioner is fixed on 14.05.2023, for



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purchasing jewels for the daughter of the petitioner, the petitioner went to the third respondent to withdraw the deposited amount, but, he came to know that the account was freezed. On the request of the second respondent and prayed to permit the petitioner to operate the account.

5. On the side of the petitioner, it is stated that the petitioner is not an accused in this case. Without notice to the petitioner, the account cannot be freezed by the third respondent and that the seizer was not intimated to the concerned Court.

6. On the side of the petitioner, it is further stated that the petitioner is in the habit of depositing amount from the year 2011. The alleged occurrence is in the year 2021 and the account of the petitioner cannot be freezed, for a case against his son. The marriage invitation of the daughter of the petitioner also was filed, wherein, the marriage date is mentioned as 14.05.2023.

7. On the side of the prosecution, it is stated that A6 is the son of the petitioner, A3 is the daughter-in-law of the petitioner in the Bank. A2



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to A7 are the Directors and partners of the Bank. The petitioner has to approach only in the TNPID Court and the petitioner has no locus standi to approach this Court and money involved is public money and prayed the petition to be dismissed.

8. The alleged occurrence is from the year 2021. But, a perusal of the records reveals that the respondent Bank freezed the account from the year 2011 onwards. Considering the marriage of the daughter of the petitioner, which to be held on 14.05.2023 and considering that the petitioner is not an accused in the case and considering that the petitioner was maintaining the account from the year 2011 onwards, this Court directs the third respondent Bank, to release the account from the year 2011 till 2020, ie., **Items Nos. 2 to 9 in the list of accounts freezed by the third respondent Bank.**

8. With the above direction, this Writ Petition is partly allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

05.05.2023

NCC: Yes/No
Index: Yes/No
Ls



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R.THARANI, J.

Ls

Note: Issue order copy on 08.05.2023

To

- 1.The Superintendent of Police,
Economic Offenses Wing (S.P).
SIDCO, Corporate Building First Floor,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai – 600 032.
- 2.The Inspector of Police,
Economic offence Wing No.II,
Viruthunagar District.
- 3.The Branch Manager,
Tamilnadu Mercantile Bank,
Thiruthangal Branch,
No.488/4, Renugadevi Complex,
Thiruthangal, Virudhunagar District – 626 130.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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