



W.P(MD)No.18525 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.18525 of 2023
and W.M.P(MD).No.15361 of 2023

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... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District – 630 562.

2.The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District – 630 551.

3.The Manager,
Pandiyam Kirama Bank,
Kalayar Kovil & Taluk,
Sivagangai District – 630 551.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the entire relevant records relating to the impugned order passed by the 2nd respondent, dated 20.09.2022 and consequently, quash the same as illegal in violation of natural justice, without reasons and with direction to defreeze the petitioner's Bank Savings Account Number: 10058471548,



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in the 3rd respondent office, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar
For Respondents : Mr.M.Sakthi Kumar for R1 & R2
Government Advocate (Crl. Side)
Mr.R.L.Dilipan Pandian for R3

ORDER

This writ petition has been filed to quash the impugned order passed by the 2nd respondent, dated 20.09.2022, with direction to defreeze the petitioner's Bank Savings Account Number: 10058471548, in the 3rd respondent office, within a stipulated time that may be fixed by this Court.

2.The learned counsel for the petitioner would submit that his son was arrested in connection with the crime No.301 of 2022 for the offences punishable under Sections 506(ii) of IPC and Sections 2(b)(ii) (A) and 8(c) of NDPS Act on the file of the second respondent police. Due which, the second respondent sent a recommendation to the third respondent to freeze the petitioner's Bank Account. Consequently, the third respondent has passed the above said impugned order, which is illegal. There is no connection between the above said offence alleged to



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have been committed by the petitioner's son and the petitioner's account.

Hence, she prays to defreezement of the petitioner's Bank account.

3.The learned Government Advocate (Crl. Side) would fairly admit that there is no suspicious account maintained by the petitioner with the third respondent herein. He has also produced the copy of the Bank pass Book. Perusal of the Bank Pass Book entries does not indicate that either any huge money transaction or suspicious. On that ground this Court is inclined to set aside the order of freezement of the account.

4.Accordingly, the impugned order of freezement passed by the second respondent dated 20.09.2022 is hereby set aside. However, there shall be a direction to the third respondent to watch the above said account, if any suspicious transaction is found, he shall inform the same to the second respondent immediately. If any such information is received, the second respondent is at liberty to take appropriate action without being influenced by the order of this Court in this matter.



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5. Accordingly, this writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

18.12.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District – 630 562.

2. The Inspector of Police,
Kalayarkovil Police Station,
Sivagangai District – 630 551.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

TM

Order made in
W.P(MD)No.18525 of 2023

Dated : 18.12.2023