



W.P.(MD)No.19231 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.19231 of 2023

A.Gurusamy

... Petitioner

Vs

1.The Inspector of Police,
Cyber Crime Branch,
Myladudurai,
Myladudurai District.

2.The Branch Manager,
Indian Overseas Bank,
Chatrapati,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to send communication to the second respondent to defreeze the petitioner's bank account bearing Account No.194202000000447, Indian Overseas Bank, Chathrapatti Branch, Rajapalayam, Virudhunagar District, by considering the petitioner's representation dated 03.07.2023 within the time stipulated by this Court.

For Petitioner : Mr.C.Jeya Prakash

For R-1 : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

For R-2 : Mr.N.Dilip Kumar



W.P.(MD)No.19231 of 2023

ORDER

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This petition is filed under Article 226 of the Constitution of India seeking for defreezing the account belonging to the petitioner in Account No. 194202000000447 of the Indian Overseas Bank, Chathrapatti Branch, Rajapalayam, Virudhunagar District, which was done as per the directions of respondent Police.

2. It is submitted by learned counsel for the petitioner that no case pending against the petitioner, however, the respondent Police have unauthorizedly without following the procedure got his bank account frozen, thereby, sought for suitable directions.

3. Learned Government Advocate (Criminal Side) on the other hand, submits that, one Murugan, has filed a complaint against the petitioner in respect of brick transaction, accordingly, the said complaint was registered as C.S.R.No.170 of 2023 and during the course of enquiry, a letter has been addressed to the Bank Manager / Respondent No.2 to freeze the account. It is also submitted that the petitioner is asked to appear for the purpose of enquiry many times, but, instead of appearing, the petitioner has approached this Court with this petition.



W.P.(MD)No.19231 of 2023

4. Considering the submissions made by both sides, this Writ

Petition is disposed of, directing the petitioner to appear before the respondent Police and submit his grievances, on which, the respondent Police are directed to dispose of the representation dated 03.07.2023 given by the petitioner. It is needless to say that unless a case has been registered against the petitioner, the respondent Police are not expected to address the letter to freeze the account. Therefore, after conclusion of the enquiry, the respondent Police are directed to address the letter to the concerned Bank to defreeze the account, if at all, the freezing of the account is not necessary for the investigation. No costs.

09.08.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The Inspector of Police,
Cyber Crime Branch,
Myladudurai,
Myladudurai District.

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



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W.P.(MD)No.19231 of 2023

DR.D.NAGARJUN, J.

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W.P.(MD)No.19231 of 2023

09.08.2023