



W.P(MD)No.29472 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29472 of 2023

and

W.M.P.(MD).No.25441 of 2023

Priyadharshini Suriyanarayanan

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary,
Ministry of Home Affairs, New Delhi.
- 2.The Reserve Bank of India,
Represented by its Governor,
Head Office,
Mumbai,
Maharastra - 400 029.
- 3.National Cyber Crime Reporting Portal,
Represented by its Director,
National Highway-8,
Mahipalpur,
New Delhi -110 037.
- 4.The Manager,
State Bank of India,
Bypass Branch,
Madurai - 625 016.



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5.The Manager,
Canara Bank,
Central Branch,
Madurai.

6.The Inspector Cum Station House Officer,
Sardar Fatehbad Station,
Fatehabad, Haryana,
Mail Id - shosdrftb@gmail.Com

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 4 and 5 to de-freeze the Bank accounts of the petitioner linked with her PAN No. HELPS2648G forthwith.

For Petitioner : Ms.K.Porkodi

For R-1 to R-3 : Mr.K.Govindarajan,
Deputy Solicitor General of India

For R-4 : Mr.M.Karthik

For R-5 : Mr.Madhan Alexander

ORDER

Heard the learned counsel on either side.

2. The writ petitioner is having Savings Bank Account in the fifth respondent Branch as well as the fourth respondent Branch. A sum of Rs.45,000/- was credited in the petitioner's State Bank of India



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Account on 12.07.2023. It appears to be on account of some cryptocurrency transactions in which the petitioner was engaged. On the same day, the petitioner transferred the said amount of Rs.45,000/-from her State Bank of India Account to Canara Bank Account maintained with the fifth respondent. It was through a UPI transaction.

3. At this stage, the sixth respondent wrote to the fifth respondent calling upon them to freeze the petitioner's account and also furnish certain details. The petitioner is said to be an entrepreneur. Since the petition mentioned accounts have been frozen, she is facing difficulties in operating her company which has been registered as "MSME".

4. The Writ Petition was listed for admission on 13.12.2023. On the said date, the learned Standing Counsel appearing for the Banks took notice. I requested the learned Standing Counsel appearing for the Canara Bank / fifth respondent to write to the sixth respondent about the listing of this case. I am happy to record that the request made by the Court was scrupulously complied with by the learned Standing counsel.



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The fifth respondent has sent an E-mail to the sixth respondent. But, there is no representation from the sixth respondent today.

5. The learned counsel appearing for the petitioner draws my attention to Section 102 of Cr.P.C., and also the order passed by the Hon'ble High Court of Kerala in W.P(C).No.12960 of 2023 dated 25.09.2023. The Hon'ble Kerala High Court had held that the Banks should be confined the order of freeze against the Bank Accounts of the respective persons, only to the extent of amounts mentioned in the order / requisition which was issued to them by the Police Authorities.

6. I am inclined to adopt the very same approach in this case also. The petitioner states that only a sum of Rs.45,000/- was totally involved and the said sum is now lying with the fifth respondent. The fifth respondent is directed to mark a lien over the said amount. The fifth respondent shall also furnish whatever details that are required by the sixth respondent. The petitioner is directed to extend her fullest co-operation in this regard. By freezing the account, no purpose is going to be served. The petitioner through her counsel gives an undertaking that



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she will ensure that the petition mentioned accounts maintained with the fourth and fifth respondents are kept clear of any controversial transactions. In other words, there is no question of re-linking of cryptocurrency transaction in the said accounts.

7. Since the fifth respondent has been directed to mark a lien over Rs.45,000/ which appears to be the subject matter of communication with the sixth respondent, respondent Nos.4 and 5 are directed to de-freeze the petitioner's accounts and the petitioner is permitted to operate the said accounts hereafter subject to the undertaking mentioned above.

8. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Note : Issue Order Copy by 02.01.2024



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G.R.SWAMINATHAN, J.

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