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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1186 of 2024

V.Ranganathan

... Petitioner

Vs.

1.State Rep by
The Inspector of Police,
R-11, Ramapuram Police Station,
Chennai.

2.The Branch Manager,
Virugambakkam Branch,
Indian Overseas Bank,
Chennai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing to the respondents to defreeze the Savings Account No.028901000029142, IFSC.IOBA0000289 at Indian Overseas Bank, Virugampakkam Branch, Chennai District maintained by the 2nd respondent in pursuant to petitioner representation dated 26.12.2023.

For Petitioner

: Mr.P.Muthamizhselvakumar

For R1

: Mr.S.Vinoth Kumar



Government Advocate
(Criminal Side)

For R2

: Ms.S.Vidhya

ORDER

The relief sought for in the present writ petition is to direct the respondents to defreeze the Savings Account at Indian Overseas Bank, Virugampakkam Branch, Chennai District maintained by the 2nd respondent in pursuant to petitioner representation dated 26.12.2023.

2. The petitioner claims that he is an innocent person and not involved in Crime No.411 of 2023. When he is not an accused in the said criminal case, his bank account was freezed.

3. The learned counsel for the petitioner would submit that the petitioner is cooperating with the Investigating Agency and Bank without following the procedures, freezed the account and therefore, the writ petition is to be considered.

4. Mr.S.Vinoth Kumar, learned Government Advocate (Criminal Side) appearing on behalf of the 1st respondent would submit that Crime No.411 of



2023 was registered under Section 8(c), 20(b)(ii), 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 and 276 of Indian Penal Code.

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5. The son of the writ petitioner is an accused. The son of the petitioner is facing three other criminal cases. During investigation, the authorities found that the proceeds of the crime has been deposited in the Bank account of the petitioner. The petitioner being the father of the accused was utilised for the purpose of depositing the proceeds of the crime and therefore, learned Government Advocate (Criminal Side) would oppose by stating that in the event of granting the relief, the investigation into the criminal offence will be hampered.

6. The practice of filing writ petition in criminal case are increasing. In order to escape from the clutches of proceedings, writ petitions are filed and in some cases. The Police Authorities have not been impleaded. However, in the present writ petition, the Police Authority has been impleaded. Therefore, the learned Government Advocate (Criminal Side) would able to secure instructions and present that three more criminal cases are pending against the son of the writ petitioner.



7. Whenever the Bank Accounts are freezed on account of registration of a criminal case and during investigation, the aggrieved party has to approach the jurisdictional Criminal Court for the purpose of redressal of his grievances.

8. Writ petition in such circumstances are not entertainable and High Court during the pendency of the criminal investigation is expected to exercise restrain in issuing orders, which would cause prejudice to the criminal investigation.

9. In the present case, the Investigating Agency made a submission that proceeds of crime are deposited in the Bank account of the petitioner and therefore, the Bank accounts are freezed. Thus, the petitioner is at liberty to approach the Competent Criminal Court of Law for appropriate remedy.



10. With these observations, this Writ Petition stands dismissed. No costs.

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26.04.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1.The Inspector of Police,
State,
R-11, Ramapuram Police Station,
Chennai.

2.The Branch Manager,
Virugambakkam Branch,
Indian Overseas Bank,
Chennai District.



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S.M.SUBRAMANIAM, J.

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