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Crl.R.C.No.95 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.95 of 2024

Sakthivel

... Petitioner

Vs.

The Sub-Inspector of Police,
Cyber Crime Department,
Kanchipuram District,
Kanchipuram.

... Respondent

PRAYER : Criminal Revision filed under Section 397 (1) r/w. 401 of the code of Criminal Procedure, 1973 to set aside the impugned order dated 18.12.2023 passed in C.M.P.No.2174 of 2023 by the learned Judicial Magistrate No.I, Kancheepuram.

For Petitioner : Mr.A.Venkatesan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)



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ORDER

The Criminal Revision Case is filed to set aside the impugned order dated 18.12.2023 passed in C.M.P.No.2174 of 2023 by the learned Judicial Magistrate No.I, Kancheepuram.

2. The learned counsel appearing for the petitioner submits that the petitioner is the defacto complainant in Crime No.10 of 2023 on the file of the respondent Police, which was registered for the offence punishable under Sections 419 and 420 IPC and Sections 66C and 66D of the Information Technology Act, 2008, on the ground that the petitioner received series of messages to his Telegram Mobile Apps with a link, namely, Mentor Kenny, Jyoti and Alice and the accused persons instructed the petitioner to touch the link and finish the task and get more money for doing the said task and accordingly, the petitioner deposited a sum of Rs.8,05,889 to the account number given by the accused persons, however, he was cheated by them. When it came to the knowledge of the petitioner



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that the accounts of the accused persons were freezed by the Police, he has filed a petition before the learned Judicial Magistrate No.1, Kanchipuram, to direct the concerned Bank to defreeze the amount and return the same to the credit of the petitioner's account, however, it was dismissed vide impugned order dated 18.12.2023. Challenging the same, the present writ petition has been filed.

3. The learned Government Advocate (Crl.side) appearing for the respondent Police submits that all the accounts of the accused persons were indeed freezed by the Police and the accused persons cheated several persons all over India and several complaints are receiving day-by-day from the aggrieved persons and the amount available in the accounts of the accused persons is only Rs.580/-.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent Police.



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5. It seems from the facts and circumstances of the case that the petitioner was cheated by the accused persons to the tune of Rs.8,05,889/-, for which, he has made a complaint before the respondent Police and a case in Crime No.10 of 2023 was registered for the offence punishable under Sections 419 and 420 IPC and Sections 66C and 66D of the Information Technology Act, 2008. Not only from the petitioner, but also from several persons, complaints were received against the accused person for having cheated the amounts, pursuant to which, the accounts of the accused persons were freezed, in which, a sum of Rs.580/- is available as stated by the learned Government Advocate (Crl.side) appearing for the respondent Police. Therefore, no useful purpose will be served to direct the concerned Bank to defreeze the amount and the investigation in this case is also not completed. The trial Court, taking into consideration the above aspect, dismissed the complaint filed by the petitioner, which does not suffer from any illegality. However, after completion of investigation, if the Law



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Enforcing Agency recover any amount from the accused persons, the petitioner is at liberty to file an appropriate petition before the concerned Authority to receive the amount, which is alleged to have been cheated by the accused persons.

6. Accordingly, the Criminal Revision Case is dismissed.

10.07.2024

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

1. The learned Judicial Magistrate No.I, Kancheepuram.
- 2.The Sub-Inspector of Police,
Cyber Crime Department,
Kanchipuram District,
Kanchipuram.
- 3.The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

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