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Criminal Original Petition No.2060 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.2060 of 2024

Jannathul Firdous

...Petitioner

Vs

State rep. By
Inspector of Police
Cyber Crime (CCD-III)
Nagapattinam – 611 001

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to direct respondent police to initiate proceedings to release the funds available in SB Account Numbers – 025705008311, ICICI Bank Ltd., in a sum of Rs.5,38,382/- besides SB Account No.729700210001126, Punjab National Bank, a sum of Rs.5,27,51/- belonging to the accused through whatsapp number 7639462833 and pass such orders.

For Petitioner : Mr.T.S.Rajamohan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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This Criminal Original petition has been filed for a direction to the respondent police to defreeze the bank account and to permit the petitioner to withdraw the amount that is lying in the bank account of the accused persons.

2. Heard Mr.T.S.Rajamohan, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

3. The case of the petitioner is that she was lured to make some investment by promising handsome returns. Thereby, the petitioner had transferred an amount of Rs.16,02,196/-. To the shock of the petitioner, she realized that she has been cheated and the amount that she paid was also siphoned. The petitioner gave a complaint in this regard to the respondent police and an FIR came to be registered in Crime No.10 of 2023 dated 29.12.2023.



4. The learned Additional Public Prosecutor submitted that

in the course of investigation two bank accounts standing in the name of Sri Balaji were identified and the said bank account was freezed to the tune of Rs.10,65,533/-. The learned Additional Public Prosecutor submitted that the bank account itself has been opened by using fake documents and thereby, the respondent police is yet to identify the real accused in this case, The learned Additional Public Prosecutor further submitted that the money trail has been identified to flow from the account of the petitioner to the two bank accounts. The learned Additional Public Prosecutor further submitted that the mandate under Section 102 of Cr.PC has been complied with and the freezing of the bank account has been informed to the concerned Magistrate immediately.

5. The particulars furnished before this Court is extracted hereunder :-

<i>Sl.No.</i>	<i>Bank</i>	<i>Account number & IFSC code</i>	<i>CSR No./Cr.No.</i>	<i>Amount Frozen</i>
1.	Punjab National Bank	729700210001126 PUNB0729700	Cr.No.10 of 2023	527151
2.	ICICI Bank	025705008311	Cr.No.10/2023	538382



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<i>Sl.No.</i>	<i>Bank</i>	<i>Account number & IFSC code</i>	<i>CSR No./Cr.No.</i>	<i>Amount Frozen</i>
		ICIC0000257		
			Total	10,65,533/-

6. Taking into consideration the facts and circumstances of this case and the materials placed before this Court, liberty is granted to the petitioner to file an application before the concerned Court seeking for de-freezing of the bank accounts and for return of the property. On such filing of the application, the concerned Court shall give an opportunity to the prosecution as well as the account holder and shall pass orders within a period of four weeks.

7. This Criminal Original Petition is disposed of with the above directions.

06.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

1. State rep. By
Inspector of Police
Cyber Crime (CCD-III)
Nagapattinam – 611 001
2. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J
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