



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 07.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2439 of 2024
and W.M.P.No.2664 of 2024

Solutions Infini Technologies (India) Private Limited,
Having Registered Office at
The Pavillion, 1st Floor, No.175 & 176, Dollars Colony,
Phase 4th, J.P.Nagar, Bannerghatta Main Road,
Bilekahalli, Bengaluru, Karnataka – 560 076
Represented by its authorized signatory
Mrs.Amrita Jha

... Petitioner

Vs.

- 1.The Sub-Inspector of Police,
Cyber Crime Police Station,
New Building, Police Complex,
Gorimedu,
Puducherry U.T. 605 006.
- 2.The Inspector of Police,
Cyber Crime Police Station,
New Building, Police Complex,
Gorimedu,
Puducherry U.T. 605 006.
- 3.Senior Superintendent of Police,
Cyber Crime Police Station,
New Building, Police Complex,
Gorimedu,
Puducherry U.T. 605 006.



4.Kotak Mahindra Bank
Indiranagar Branch
Ground Floor, No.4002/A,
100 Feet Road, HAL 2nd Stage,
Indiranagar, Bengaluru,
Karnataka 560 038

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, direct the respondents to de-freeze the bank account of the petitioner bearing number 7711164793 with the Respondent No.4 which was freezed vide notice dated 22.12.2023, bearing number 129/CR/23 issued by the 1st respondent.

For Petitioner	: Mr.R.John Sathiyam Senior Counsel for Arva Merchand
For Respondents	: Mr.K.S.Mohandoss Public Prosecutor (Puducherry) for R1 to R3

ORDER

This petition has been filed for a direction to the respondents to defreeze the bank account of the petitioner that is maintained in the 4th respondent Bank.

2.The case of the petitioner is that they are in the business of providing software, associated systems and communication network facilities. The petitioner is the subsidiary Company of TATA. The petitioner Company was also holding an account with the 4th respondent Bank. It was informed to the petitioner that the



account of the petitioner has been freezed. Aggrieved by the same, the present writ petition has been filed before this Court.

3.Heard Mr.R.John Sathiyar, learned Senior Counsel appearing on behalf of the petitioner and Mr.K.S.Mohandoss, learned Public Prosecutor (Puducherry) appearing on behalf of respondents 1 to 3.

4.The respondents have filed objections to this writ petition. On going through the same, it is clear that the respondents have ventured into an enquiry based on a complaint given against one Smart International. In the course of enquiry, it was found that there was a transaction to the tune of Rs.7 Lakhs which was transferred by Smart International in favour of the petitioner Company. This amount got credited to the bank account of the petitioner in the 4th respondent Bank. Since the respondent police felt that there is a fraudulent transaction and that a large scale investigation has already been carried out by the Mumbai police, a direction was given to the 4th respondent to freeze the bank account of the petitioner.

5.In the instant case, direction has been given by the respondent police even without registering an FIR. Section 102 of Cr.P.C., mandates that the freezing of the bank account must be intimated to the territorial Magistrate Court immediately.



This can be done only if an FIR is registered and investigation is carried on. Even before the registration of an FIR, the bank account of the petitioner is freezed. This action on the part of the respondent is on the face of it illegal which requires the interference of this Court.

6. In the light of the above discussion, there shall be a direction to the respondents to defreeze the bank account of the petitioner held in the 4th respondent bank immediately. If according to the respondent police, a full-fledged investigation is to be conducted, which requires freezing of the bank account of the petitioner, they have to proceed further only in accordance with law and after strictly complying with the mandate under Section 102 of Cr.P.C.,

7. In the result, this writ petition stands allowed in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

07.02.2024

Index : Yes/No
Internet : Yes/No
ssr



To

1. The Sub-Inspector of Police,
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New Building, Police Complex,
Gorimedu,
Puducherry U.T. 605 006.
2. The Inspector of Police,
Cyber Crime Police Station,
New Building, Police Complex,
Gorimedu,
Puducherry U.T. 605 006.
3. Senior Superintendent of Police,
Cyber Crime Police Station,
New Building, Police Complex,
Gorimedu,
Puducherry U.T. 605 006.
4. The Public Prosecutor,
Puducherry.



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