



WEB COPY



Crl.O.P.Nos.15362 & 15364 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:08.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.Nos.15362 & 15364 of 2024

M/s Blendsteel Engineering Pvt.Ltd.,
Rep.by its Managing Director Mr.Prabhu Jayaraman,
CIN No.U28999TN2012PTC086463,
No.72, Shanthi Nagar, 1st Street,
SM Nagar Post, Avadi, Chennai 600 006. .. Petitioner

/versus/

1.State rep.by the Inspector of Police,
Avadi CCB, Avadi City,
Chennai 600 052.

2.The Manager,
ICICI Bank Ltd.,
Gummudipoondi Branch GNT Road,
Prabhu Nagar, Kottai Karai,
Gummudipoondi,Chennai 601 201. .. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the respondents to defreeze the bank account of the petitioner bearing No.777705069000 maintained with 2nd respondent viz., ICICI Bank Ltd., Gummudipoondi Branch, frozen in Crime No.40 of 2024 on the file of the 1st respondent police.



Crl.O.P.Nos.15362 & 15364 of 2024

For Petitioner :Mr.V.Arunagiri
For R1 :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side)

Crl.O.P.No.15364 of 2024:

M/s Blendsteel Engineering Pvt.Ltd.,
Rep.by its Managing Director Mr.Prabhu Jayaraman,
CIN No.U28999TN2012PTC086463,
No.72, Shanthi Nagar, 1st Street,
SM Nagar Post, Avadi, Chennai 600 006. .. Petitioner

/versus/

1.State rep.by the Inspector of Police,
Avadi CCB, Avadi City,
Chennai 600 052.

2.The Manager,
IDBI Bank,
Ambattur Branch, 1st Floor, 125-B/467,
MTH Road, Krishna Puram,
Ambattur, Opp Rakhi Theatre,
Chennai 600 053. .. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to direct the respondents to defreeze the bank account of the petitioner bearing No.025110200000 maintained with 2nd respondent viz., IDBI Bank, Ambattur Branch, frozen in Crime No.40 of 2024 on the file of the 1st respondent police.

For Petitioner :Mr.V.Arunagiri



Crl.O.P.Nos.15362 & 15364 of 2024

WEB COPY

For R1

:Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side)

COMMON ORDER

On the complaint given by his own brother dated 25.04.2024 alleging that share certificates of the company run jointly by the petitioner and the defacto complainant been fraudulently transferred, the respondent police has registered a case on 25.04.2024 in Crime No.40 of 2024. The Investigating Officer has thought fit to freeze the account of the petitioner and therefore, had informed IDBI Bank, Axis Bank and ICICI Bank to freeze the account of the petitioner herein. Accordingly, the accounts of the petitioner been freezed on 13.06.2024.

2. The learned counsel appearing for the petitioner states that without conducting preliminary enquiry about the validity of the gift deed dated 21.07.2023 on assumption that the deed is a forged document, the case has been registered against the petitioner and his wife and consequently, the bank account of the company run by A1 and A2 has now been freezed. Due to the unexplained freezing of the account, the



Crl.O.P.Nos.15362 & 15364 of 2024

petitioner company been put to great hardship and cannot even pay salary to the employees.

3. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the complaint against the Directors of M/s Blend steel Engineering Private Limited is to the tune of Rs.25 crores. Whereas, in all the three accounts, the company is having only Rs.1 crore. The frozen of the account has already been intimated to the Judicial Magistrate, Poonthamallee on 06.07.2024. Since the investigation is at initial stage, the account should not be defreezed.

4. The learned counsel appearing for the petitioner submitted that in this transfer, there is no evidence to show that the transfer of share was effected by an act of forgery, hence there can be no cognizable offence made out for investigation. Though the complaint was registered on 25.04.2024, till date the police has not obtained handwriting expert opinion regarding the disputed document namely, share transfer form.

5. This Court finds force in the submission made by the learned



Crl.O.P.Nos.15362 & 15364 of 2024

counsel appearing for the petitioner. The account of the petitioner cannot be frozen for unlimited period without any reason. In this case, the intimation to the Magistrate under Section 102 (3) of Cr.P.C., been made nearly 25 days after the seizure.

6. The learned Government Advocate (Crl.Side) appearing for the 1st respondent submitted that the disputed document has already been sent to forensic laboratory and report is awaited.

7. In the light of the facts stated above, these Criminal Original Petitions are disposed of with a direction to the first respondent police to obtain Forensic Report and inform to the Trial Court about the progress of the investigation within a period of 30 days. Thereafter, the petitioner herein shall file an appropriate petition before the Judicial Magistrate Court for return of property (defreezing the account). On such application, the trial Court shall pass appropriate order based on the material placed by the prosecution and the petitioner herein.

08.07.2024



Crl.O.P.Nos.15362 & 15364 of 2024

Index:yes/no

Neutral Citation:yes/no

ari

To:

- 1.The Inspector of Police, Avadi CCB, Avadi City,
Chennai 600 052.
- 2.The Manager, ICICI Bank Ltd.,Gummudipoondi Branch GNT Road,
- 3.The Manager, IDBI Bank, Ambattur Branch, 1st Floor, 125-B/467,
MTH Road, Krishna Puram, Ambattur, Opp Rakhi Theatre,
Chennai 600 053.
- 4.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

ari



WEB COPY



Crl.O.P.Nos.15362 & 15364 of 2024

Crl.O.P.Nos.15362 & 15364 of 2024

08.07.2024