



WEB COPY



W.P.No.21176 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21176 of 2022
and W.M.P.No.20177 of 2022

1. Mahalakshmi P.
2. Prakash M.

... Petitioners

Vs.

1. The Chairman,
Reserve Bank of India,
No.6, Sansad Marg,
New Delhi – 110 001.
2. Reserve Bank of India,
By its Officer In-charge,
Fort Glacis, Rajaji Salai,
Chennai – 600 001.
3. The HDFC Bank Ltd.,
No.1, Shiva Nagar,
Kovai Road, 100 Feet Road,
Kovaipudur,
Coimbatore – 641 042.
4. The Deputy Superintendent of Police,
Economic Offences Wing-II,
Commissioner of Police Campus,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the third respondent bank



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to de-freeze the petitioners' saving bank account Nos.50100349040394 and 50100361254085 with the HDFC Bank Ltd., Kovaipudur Branch, Coimbatore belong to the first and second petitioners respectively to enable them to operate the accused and to pay monthly EMIs without default and penalties.

For Petitioners : Mr.M.Purushothaman
For Respondents
For R1 to R3 : Mr.C.Mohan
For M/s.King & Partidge
For R4 : Mr.S.Arumugam
Government Advocate

ORDER

This writ petition has been filed for directions, directing the third respondent bank to de-freeze the petitioners' saving bank account Nos.50100349040394 and 50100361254085 with the HDFC Bank Ltd., Kovaipudur Branch, Coimbatore.

2. Heard the learned counsel appearing on either side and perused the material placed before this Court.

3. The first petitioner is the wife of the second petitioner. The first petitioner's brother and his wife are the accused in Crime No.1 of 2022 on the file of the Economic Offence Wing, Coimbatore, for the



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offences under Sections 120(b), 406 & 420 of IPC r/w. Section 5 of the Tamil Nadu Protection of Interests of Depositors Act. Though the petitioners are not arrayed as accused, for the investigation purpose their accounts have been frozen in pursuant to the registration of FIR in Crime No.1 of 2022. Further both the accounts are having balance amount of Rs.9830.41 and Rs.1649/- respectively. However, if any transactions through those accounts, the fourth respondent has to proceed with the investigation as such, both the accounts were freezed and the investigation is still pending.

4. That apart, even according to the petitioners, the first petitioner is being teacher, she opened another account for receiving salary and other purpose. Therefore, this Court finds no ground to direct the third respondent to de-freeze the accounts of the petitioners. The prayer sought for in this petition cannot be granted and the writ petition itself devoid of merits and liable to be dismissed. However, after completion of investigation, the fourth respondent is directed to instruct the third respondent to de-freeze the accounts, if the petitioners are not arrayed as accused.



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5. Accordingly, the Writ Petition stands dismissed.

Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

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Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

rts



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3. The Manager,
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