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Crl.O.P.No.19223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.19223 of 2024

R.Sundaramoorthy

... Petitioner

Vs.

1.The State,
Represented by the Inspector of Police,
Central Crime Branch – II,
EDF – III,
Police Commissioner Office,
Vepery, Chennai. (Crime No.59/2022)

2.The Manager,
State bank of India,
Jafferkhanpet branch,
No.55, 2nd Street,
Kasi Estate, Jafferkhanpet,
Chennai – 600 083.

3.P.V.Sankaranarayan.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the Respondent Police to defreeze the Petitioner's Bank Account bearing No.201582244658 in the 2nd Respondent Bank, which has been frozen by the Respondent Police in connection to the case in crime no.59/2022, on the file of Respondent Police.



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For Petitioner : Mr.P.Rajkumar
For R1 : Mr.K.M.D.Muhilan,
Government Advocate (Crl. Side)

ORDER

The petitioner herein is the 1st accused in C.C.No.246 of 2024 on the file of the Judicial Magistrate No.I, Alandur. Pursuant to the registration of the case, his bank Account bearing No.201582244658 maintained in State Bank of India, Jafferkhanpet branch, been freezed. Hence the present petition is filed under Section 482 Cr.P.C., to defreeze the account.

2. The learned counsel appearing for the petitioner submits that the petitioner and the defacto complainant has arrived at settlement and to pay the defacto complainant, the account which has been freezed has to be defreezed. So that the petitioner is able to settle the money and pay the defacto complainant.

3. From the record, this Court finds that there are few more accused. The account which is freezed, is now the subject matter of crime which is pending trial before the Judicial Magistrate No.I, Alandur.



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Therefore, any request to defreeze the account or record compounding, the petitioner has to approach the concern Judicial Magistrate. Section 482 Cr.P.C., cannot be invoked for the said request, since freezing of account is coupled with settling the defacto complainant's due.

4. Hence this Criminal Original Petition is dismissed with liberty to the petitioner herein to approach the Judicial Magistrate for appropriate remedy.

09.08.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
Central Crime Branch – II,
EDF – III, Police Commissioner Office,
Vepery, Chennai.

2.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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