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W.P.No.28065 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 18.10.2024

CORAM

**THE HON'BLE Dr.JUSTICE G.JAYACHANDRAN**

W.P.No.28065 of 2024

R.Vanitha

... Petitioner

Vs.

1.The Manager,  
Indian Overseas Bank,  
RVS Nagar, Idayarpalayam,  
Coimbatore.

2.The Inspector of Police,  
C-3, Saibaba Colony Police Station,  
Law and Order,  
Coimbatore City  
Crime No. 110 of 2024

... Respondents

**Prayer:-** Writ Petition filed under Article 226 of the Constitution of India praying to the respondents to defreeze the petitioner's above Savings Joint Account No. 184601000017381 of the 1<sup>st</sup> respondent bank and allow the petitioner to operate the same as usual by considering the petitioner's representation dated 15.07.2024 within the time stipulated.

For Petitioner : Mr.R.Nalliyappan

For R2 : Mr.K.M.D.Muhilan  
Government Advocate (Crl.Side)



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## **ORDER**

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The petitioner herein holding a joint account along with her brother and mother in Indian Overseas Bank, Idayarpalayam, Coimbatore. Having sold the property jointly owned by them, the sale proceeds has been deposited in the said joint account. Meanwhile, the brother of the petitioner got involved in a drug trafficking, case in Crime No.110 of 2024 dated 13.05.2024 registered against him and two others for offence under Sections 8(c) r/w 22(b), 20(b)(ii)(A), 25 and 29(1) of NDPS Act and Section 328 of IPC. The police has instructed the bank to freeze the joint account in view of the registration of the complaint against one of the account holders.

2. The case of the petitioner is that a sum of Rs.46,97,798/- being the sale proceeds of the property been deposited in the said account and the freezer of the account for no fault of her without intimation to her. When she requested the bank to transfer Rs.22 lakhs in fixed deposit same was declined by the bank, since the police has instructed to freeze the account. Hence the present petition to issue direction to the respondent police to defreeze the petitioner's joint account maintained with the 1<sup>st</sup> respondent bank.



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**3.** The learned Government Advocate (Crl.Side) appearing for the respondent police states that the brother of the petitioner, who is one of the joint account holders, is involved in an offence under NDPS Act. Whether the accused had invested the crime proceeds in the said account is under investigation and therefore, the 1<sup>st</sup> respondent bank been instructed to freeze the account.

**4.** Considering the fact that the petitioner herein is one of the joint account holders and the sale proceeds of the property been deposited in the account even before the registration of the complaint. The share of the petitioner from a legal transaction cannot be curtailed for the crime of her brother. However, to safeguard the interest of the prosecution, it is sufficient to direct the bank to invest Rs.22 lakhs from the said account in a fixed deposit as requested by the petitioner and there shall be a lien over the balance amount, pending disposal of the investigation in Crime No.110 of 2024 on the file of the 2<sup>nd</sup> respondent police.

**5.** The 1<sup>st</sup> respondent bank is directed to withdraw Rs.22 lakhs from the joint account and invest in the Fixed Deposit in the name of the petitioner. The 2<sup>nd</sup> respondent is directed to complete the investigation within three months



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from today, and report the Special Court for NDPS case, whether the money

lying in the Bank Account is a crime property, if not release the lien.

6. With this direction, this Writ Petition is disposed of. No costs.

**18.10.2024**

rpl

To

1.The Manager,  
Indian Overseas Bank,  
RVS Nagar, Idayarpalayam,  
Coimbatore.

2.The Inspector of Police,  
C-3, Saibaba Colony Police Station,  
Law and Order,  
Coimbatore City

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



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**Dr.G.JAYACHANDRAN, J.**

rpl

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