



W.P.No.36138 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.36138 of 2023
and W.M.P.No.36093 of 2023

Rama Subramani Ramani @ R S Ramani

... Petitioner

Vs.

1.The Indian Bank,
Porur Branch,
Rep. by its Branch Manager,
225, Trunk Road,
Porur, Chennai-600 116.

2.The Deputy Director,
Directorate of Enforcement,
Chennai Zonal Office-I,
No.2, 5th and 6th Floor, BSNL Administrative Building,
Kushkumar Road, Nungambakkam,
Chennai-600 034.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent in provisional attachment order No.04/2023 dated 19.04.2023 and quash the same and consequently, to direct the respondents to defreeze and thereby, permit the petitioner to operate his personal savings bank account with Account Name R S Ramani and Account No.6145077260.



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For Petitioner : Ms.T.Kokilavane
For Respondents : Mr.Cibi Vishnu
Special Public Prosecutor for R2
No Appearance - R1

ORDER

(Order of the Court was made by *SUNDER MOHAN, J.*)

This petition has been filed seeking to call for records of the second respondent in provisional attachment order No.04/2023 dated 19.04.2023 and quash the same. Consequently, the petition also seeks to direct the respondents to defreeze the petitioner's account and permit the petitioner to operate his personal savings bank account with account name R S Ramani and Account No.6145077260.

2.Heard the learned counsel for the petitioner and Mr.Cibi Vishnu, learned Special Public Prosecutor appearing for the second respondent.

3.The impugned order was passed pursuant to the recording of the ECIR No.CEZO-I/17/2020 as against the petitioner and others. Admittedly, the FIR relating to the predicate offence in Cr.No.282 of 2019 on the file of the Inspector of Police, Central Crime Branch,



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Chennai was quashed by this Court vide order dated 10.02.2023 in Crl.O.P.No.30980 etc. batch. The Special Leave Petition filed against the said order was dismissed by the Hon'ble Supreme Court vide its order dated 02.02.2024. In the mean while, since the FIR in the predicate offence was quashed, the Co-ordinate Bench of this Court in W.P.Nos.10901 etc batch, quashed the ECIR proceedings vide order dated 12.12.2023. Since the impugned provisional order arises out of the said ECIR, the same cannot be sustained, and hence it is liable to be quashed.

5.In view of the above observations, the impugned proceedings of the respondents in ECIR No.CEZO-I/17/2020 is quashed. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [S.M., J]

23.02.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Anu



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Anu

To

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