



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.01.2024

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THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.35127 of 2023
and WMP No.35111 of 2023

Richbean Technology Private Limited
represented by its Director
K.Balamurugan

.... Petitioner

Vs

1.State rep. by
The Inspector of Police,
Cyber Crime Wing,
The office of the Joint Commissioner of Police,
Avadi, Ambattur, Chennai (CSR No.153 of 2023)

2.The Bank Manager
ICICI Bank Limited
Ground Floor, No.110,
Prakash Presidium, Uttamar Gandhi Salai,
Nungambakkam High Road, Chennai – 600 034.

.... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to de-freeze the bank account No.000905033151 maintained by the petitioner in the 2nd respondent's branch which was frozen at the instance of the 1st respondent pursuant to registering CCPS CSR No.153/2023.



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For Petitioner : Mr.A.Ashwinkumar

For Respondents : Mr.N.Muthuvel

Government Advocate (Crl. Side)

ORDER

Mr.Muthuvel, learned Government Advocate (Crl. Side) accepts notice for R1 and is assisted by Ms.V.Mahalakshmi, Inspector, Cyber Crime Police Station, Avadi Police Commissionerate to enable final disposal of this Writ Petition, even at the stage of admission. In light of the order that is proposed to be passed, no notice is thought necessary to the Bank Manager, ICICI Bank Limited, arrayed as R2.

2. The petitioner is aggrieved by the freezing of his bank account bearing No.000905033151 in R2 bank. Upon contacting the bank, the petitioner was informed that the freezing has been occasioned by the National Cyber Reporting Portal at the instance of one D.Kumar, who has filed a complaint as against the petitioner.

3. This Court is not inclined to go into the details of the complaint, since that would involve narration and appreciation of several facts, which is neither appropriate nor necessary in view of the relief sought.



4. Suffice it to say that based on the complaint that has been filed by the private party, who, incidentally, has not been arrayed as respondent in this Writ Petition, enquiry is stated to be on-going and learned counsel for R1 would state that notices have been issued to the petitioner calling for his appearance on 16.10.2023 and thereafter. The petitioner is also stated to have appeared in response to the notices.

5. In such an event, I am of the categorical view that mandamus cannot be issued as prayed for. The relief sought is a direction to R2 to defreeze the bank account which cannot be done insofar as enquiry on CSR NO.153 of 2023 filed by D.Kumar is on-going.

6. Let the petitioner, the complainant as well as any other parties relevant to the matter be heard, enquiry caused on CSR No.153 of 2023 and an appropriate decision taken by R1 in accordance with law, all within a period of three (3) weeks from today.

7. With this, this Writ Petition stands disposed. No costs. Connected Miscellaneous Petition is closed.

02.01.2024

Index : Yes/No

Speaking Order:Yes

Neutral Citation:Yes

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DR.ANITA SUMANTH, J.

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