



W.P(MD)No.6687 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6687 of 2024

P.S.Vigneshwaran

... Petitioner

Vs.

1.The Bank Manager,
Karur Vysya Bank,
Thiruchendur Branch,
Thiruchendur – 628 215.

2.The Inspector of Police (Crime),
Cyber Crime Police,
Coimbatore City,
Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent herein to defreeze the bank account maintained by the petitioner with the 1st respondent bank vide Bank Account No.1883194000001603 and 1883135000002431 by considering the representation made by the petitioner herein dated 25.02.2024.



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For Petitioner : Mr.S.Selvakrishnan

For Respondents : Mr.V.Sukumar,
Standing Counsel for R1.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R2.

ORDER

Heard the learned counsel for the writ petitioner, the learned standing counsel for first respondent and the learned Government Advocate (Crl. Side) for the second respondent.

2.The petitioner is having two accounts with the first respondent. The said accounts have been frozen based on the instruction given by the second respondent. Seeking de-freezing of his accounts, the present writ petition came to be filed.

3.The learned counsel for the petitioner placed reliance on the order dated 24.01.2023 made in W.P.(MD)No.12244 of 2022. I had held that the police authority must satisfy the Court that the amount deposited in the petition mentioned account is traceable to some crime.



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4.Shri.Muthu, Sub Inspector of Police, Cyber Crime Police, Coimbatore

City informs the Court that one Nageswaran had given a complaint against the petitioner herein. The said complainant had alleged that the petitioner after receiving a sum of Rs.89,000/- on the assurance that it can be exchanged for cryptocurrency, failed to honour his promise and also did not refund the amount. The said Nageswaran deposited a sum of Rs.89,000/- in the account maintained by the petitioner with DBS Bank. It appears that the Cyber Crime Police had noted that amount of Rs.89,000/- was split into three tranches and deposited in three different accounts. From the said account, Rs.64,000/- has been remitted in the petition mentioned two bank accounts maintained by the first respondent. A sum of Rs.7,000/- continues to remain in DBS bank account. A further sum of Rs.15,000/- has been remitted to another account belonging to the petitioner's employee. The second respondent informed the Court that once the complaint is fed into the portal, there would be automatic generation of alerts leading to freezing of the accounts to which complainant's amount had been remitted. The petitioner has two options before him. Since only a sum of Rs.79,000/- had been remitted in the account maintained with the first respondent, the first respondent is directed to mark a lien over Rs.79,000/- in the petitioner's account and permit the petitioner to operate the bank accounts. If the petitioner pays the entire amount of Rs.89,000/- to the



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complainant while the criminal case go on, the freeze effected on the petitioner's three bank accounts shall be lifted.

5.This writ petition is disposed of accordingly. No costs.

19.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 22.03.2024.

To:-

The Inspector of Police (Crime),
Cyber Crime Police,
Coimbatore City,
Coimbatore.



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G.R.SWAMINATHAN, J.

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