



Crl.O.P.(MD)No.10998 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.10998 of 2024

P.Sabeer Ahamed Sayeed

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Cyber Crime Police,
Madurai.

2.The Branch Manager,
SBI Tennur Branch,
Tiruchirappalli.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, praying to direct the first respondent police, to defreeze the Savings Bank account of the petitioner holding with the second respondent in SBI Tennur Branch Tiruchirappalli, A/c. No.00000031059574772 immediately.

For Petitioner : Mr.R.S.Sivaram

For R1 : Mr.K.Sanjai Gandhi

Government Advocate [Crl. Side]



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ORDER

The Criminal Original Petition has been filed to defreeze the Savings Bank account of the petitioner with the second respondent in SBI Tennur Branch Tiruchirappalli, in A/c. No.00000031059574772, immediately.

2.The petitioner submits that he is doing Air Logistics / Freight forwarding agency business in Trichy. The business is carried on in the name of “ABS Xpress”. The petitioner is having Savings Bank account in State Bank of India, Tennur Branch, Tiruchirappalli in Account No. 00000031059574772. The said account was a joint account of the petitioner and his father and after the demise of his father, the petitioner is operating the said account. During April 2024, he came to know that the account has been frozen based on the complaint preferred by one Maheshwaran. The petitioner submits that there is no illegal activity rather it is only business transaction between him and the said Maheshwaran. The petitioner further submits that said Maheshwaran had earlier sought for a cycle to be imported from Malaysia to Chennai. The



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petitioner had made all the arrangements. The said Maheshwaran was unable to give KYC forms and due to which there was some holding of the cargo. The petitioner had paid demurrage charges in Malaysia and suppressing the same, it has been presented as though it is a crime and the petitioner's account has been frozen on the advise of the Police. There was a complaint by the said Maheshwaran before Trichy Crime Branch and on enquiry the same was closed. Now, second complaint using the name of Manoj Kumar, at Sivagangai has been registered at Cyber Crime, Madurai. There is no cause of action within the jurisdiction of the first respondent and hence, to cause harassment, without any prior intimation, the petitioner's bank account has been frozen. Hence, to de-freeze the petitioner's account, the present petition has been filed.

3.The learned Government Advocate [Crl. Side] for the respondent Police submits that the complaint has been lodged against the petitioner by one Manoj Kumar. The said Manoj Kumar was browsing in search to find out a unique cycle, at that time the petitioner approached and submitted that he can source the cycle and send it to him. Thereafter, on behalf of the petitioner's representation, an amount of Rs.78,250/- was



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credited to the petitioner's account. The petitioner thereafter failed to supply the cycle nor return back the money. Hence, the complaint has been lodged. Since it is a cyber crime, to safeguard the interest of the victim immediately using MCRP portal, the account has been frozen, which is the procedure followed in cyber crime. It is not an action under Section 102 of Cr.P.C. and following the DGP's circular, this action has been taken. The petitioner is now projecting a different story, contra to the complaint made against him. If the petitioner has proof to substantiate his complaint, the petitioner can very well appear before the respondent police and give his explanation and thereafter his account can be normalised.

4.Considering the above facts and circumstances, this Court directs the petitioner to appear before the respondent Police on 06.12.2024 without fail and on that day, the respondent police is directed to conduct the enquiry and appropriate orders may be passed, if petitioner's explanation is acceptable.



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5.With the above direction, this Criminal Original Petition stands disposed of.

19.11.2024

NCC : Yes / No
Index : Yes / No
MR



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To

- 1.The Assistant Commissioner of Police,
Cyber Crime Police,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

MR

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