



W.P.(MD)Nos.18891 and 18892 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:06.12.2024

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.18891 and 18892 of 2023
and
W.M.P. (MD) Nos.15695 and 15698 of 2023

WP (MD) No.18891 of 2023

A.Ummar Farook Ali

... Petitioner

Vs.

1.State Rep by its the Inspector of Police,
Cyber Crime Police Station,
CCS, Detective Department,
1st Floor, Old Commissioner Office,
Basheerbagh, Hyderabad City,
Telangana.

2.The Branch Manager,
Punjab National Bank,
Ilayankudi, Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to defreeze the current bank account No.2134050001335 maintained by the petitioner with respective the 2nd respondent bank forthwith.



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WP (MD) No.18892 of 2023

A.Ummar Farook Ali

... Petitioner

Vs.

1.State Rep by its the Inspector of Police,
Cyber Crime Police Station,
CCS, Detective Department,
1st Floor, Old Commissioner Office,
Basheerbagh, Hyderabad City,
Telangana.

2.The Branch Manager,
State Bank of India,
Ilayankudi, Sivagangai District.

3.The Branch Manager,
Punjab National Bank,
Ilayankudi, Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents 1 and 2 to defreeze the saving bank account No.30600541592 maintained by the petitioner with respective the 2nd respondent bank forthwith.

For Petitioner : Mr.V.Muthu Kamatchi
(in both writ petitions)

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)
for R1 (in both writ petitions)
Mr.P.Pethu Rajesh for R2
(in WP(MD) No.18892 of 2023)



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COMMON ORDER

These writ petitions have been filed for a direction to defreeze the bank account of the petitioner maintained at Punjab National Bank and State Bank of India.

2.The notice was sent to the first respondent in both the writ petitions and the first respondent has refused to receive the notice. Therefore, there is a deemed service on the first respondent.

3.Heard the learned counsel for the petitioner and carefully perused the materials available on record.

4.It is seen from the earlier order passed by this Court in W.P.(MD) No.9500 of 2023, wherein, the bank account of the petitioner in Punjab National Bank was freezed and the petitioner sought for the defreezing of the bank account. This Court on hearing both sides, disposed of the writ petition by order dated 14.06.2023. The relevant



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portions are extracted hereunder:

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“5.The communication, dated, 02/06/2023 reads that they are investigating the financial fraud and during the above said investigation, some suspicious transfer of Rs.4,00,000/-, on 03/01/20213 was detected in the account of this petitioner. Seeking some particulars, the freezement of the account was requested. In pursuance of the above said request, the account was freezed and later, by communication, dated 02/06/2023. Probably, after hearing of this writ petition, another communication was received from Jaipur North Police Station, Rajasthan by the second respondent requesting the second respondent to maintain Rs.4,00,000/- in the account of this petitioner and in respect of freezement, it was requested to unfreeze the account subject to maintain the balance amount of Rs.4,00,000/- Even this letter was not addressed to the learned Additional Public Prosecutor.

6.By relying upon this letter, or communication as the case may be, the second respondent would submit that only because of the above said request or in pursuance of the above said request that has been made by the Investigating Officer, frezement of the account has been made. Now they already



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defreezed the account with a condition to maintain the balance of Rs.4,00,000/-. When this was brought to notice of this court, I enquired the petitioner counsel, whether he is ready to maintain the balance of Rs.4,00,000/-. The learned Senior counsel would submit that already such an undertaking has been made by him, which is also available in the affidavit itself. He draw the attention of this court the ground made in the petition.

7.In view of the undertaking given by this petitioner and in view of the de-freezement of the account, subject to maintaining Rs.4,00,000/-, now the matter has become infructuous. Of course, it must be disposed of with certain conditions.

8.At the time of hearing, the learned counsel appearing for the second respondent also brought to the notice of this court, a notice under sections 91 and 102 Cr.P.C issued by the Government of Telangana, Police Department, dated 11/04/2023, seeking certain particulars wherein it has been stated that they are investigating the Crime No.544 of 2023 under sections 66(C), (D) ITA ACt 2008 and section 419 and 420 IPC. Now they are duty bound to comply the above said



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request also But any trouble is made to the petitioner's account by freezing, the petitioner is at liberty to take appropriate proceedings in the manner to known law. Only particulars have been called for and no request has been received by the second respondent for freezement of the account, in pursuance of the the request made by the Government of Talangana, Police Department, dated 11/04/2023.

9.So the writ petition is disposed of with a direction to the petitioner to maintain the balance amount of Rs.4,00,000/- in his account. At no point of time, the above said amount must be permitted to be withdrawn by the petitioner. The undertaking given by the petitioner is also placed on record.”

5.The grievance of the petitioner is that after the above order was passed, within two days, another communication was sent by the first respondent and thereby, the bank account of the petitioner in Punjab National Bank and State Bank of India was freezed. Hence, these writ petitions have been filed seeking for defreezing those bank accounts.



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6. In the considered view of this Court, this Court has already taken note of the fact that the investigation is pending before the first respondent. It is only based on the request made by the first respondent, the earlier freezing of the bank account took place. Hence, to ensure that no prejudice is caused to the investigation, the petitioner was asked to maintain a balance amount of Rs.4,00,000/- and to operate his bank account. When the petitioner is prepared to comply with this direction, there is no reason as to why the first respondent once again directed the bank to freeze the bank account of the petitioner.

7. In view of the above, the order passed in W.P.(MD) No. 9500 of 2023 dated 14.06.2023 is reiterated and there shall be a direction to the petitioner to maintain the balance amount of Rs.4,00,000/- in his bank account with Punjab National Bank. On complying with that condition, the bank account of the petitioner in Punjab National Bank and State Bank of India shall be defrosted. This process shall be completed by the Punjab National Bank and State Bank of India within a period of one week from the date of receipt of a copy of this order.



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8.Both the Writ Petitions are disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

06.12.2024

NCC	:	Yes / No
Index	:	Yes / No
Internet	:	Yes / No
PKN		



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- 3.The Branch Manager,
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Ilayankudi, Sivagangai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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