



W.P.(MD) No.20549 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.20549 of 2024

Shivam Chauhan

...Petitioner

-VS-

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Cybercrime Police Station,
Thoothukudi District.
- 3.The ICICI Bank Ltd.,
ES29, Opp.Circuit House,
Civil Lines, Jalandhar-144 001,
Punjab State,
Through its Branch Manager.

4.Ajai Victoria

...Respondents

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus, to direct the respondents 1 to 3 to de-freeze the current account of the petitioner company in A/c.No.151205000766 held in the name of M/s.Gamma Industries being maintained in the third respondent bank and



W.P.(MD) No.20549 of 2024

consequently direct the third respondent bank to permit the petitioner to operate the bank account in A/c.No.15120500766.

For Petitioner : Mr.M.P.Senthil
For R1 & R2 : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to de-freeze the current account of the petitioner company in A/c.No. 151205000766 held in the name of M/s.Gamma Industries being maintained in the third respondent bank and consequently direct the third respondent bank to permit the petitioner to operate that account.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents 1 and 2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Since no adverse order is going to be passed against the third and fourth respondents, notice to them is dispensed with.

3.The case of the petitioner is that the petitioner is the proprietor of M/s.Gamma Industries engaged in manufacturing and



W.P.(MD) No.20549 of 2024

selling of professional gym machines, exercise machines, outdoor gym machines etc.. The fourth respondent had paid a sum of Rs.23,999/- as an advance amount for purchasing gym equipment. Thereafter, he cancelled his order and requested the fourth respondent to repay the advance amount. Since the order could not be cancelled as per the terms and conditions of the purchase order, the petitioner refused to cancel the order and to repay the advance amount paid by the petitioner. In this regard, the fourth respondent had lodged a complaint before the second respondent police. Based on the said complaint, the petitioner's bank account had been frozen. Seeking to de-freeze the said account, the petitioner has filed this writ petition.

4.The learned counsel for the petitioner submitted that after the registration of the complaint, the advance amount paid by the fourth respondent had been repaid to him. In this regard, the fourth respondent has also addressed a communication to the second respondent. On that basis, the complaint given by the fourth respondent against the petitioner had been closed. Even thereafter, the bank account of the petitioner remains inoperative.



W.P.(MD) No.20549 of 2024

5.The learned Government Advocate (Crl.side) for the respondents 1 and 2, on instructions, submitted that the complaint lodged against the petitioner had been closed and the amount has also been repaid to the fourth respondent. The second respondent is also present before this Court and conceded the repayment made by the petitioner and closure of the complaint against the petitioner.

6.Since the complaint lodged against the petitioner is itself closed and the alleged advance amount has also been repaid, it is not fair on the part of the third respondent to continue the freezing of the petitioner's account. Hence, the third respondent is directed to de-freeze the account of the petitioner forthwith.

7.This writ petition is ordered accordingly. No costs.

29.08.2024

Index : Yes / No
Internet : Yes / No
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W.P.(MD) No.20549 of 2024

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- To
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Thoothukudi District,
Thoothukudi.
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W.P.(MD) No.20549 of 2024

N.SATHISH KUMAR, J.

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W.P.(MD) No.20549 of 2024

29.08.2024