IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.5520 of 2025
and Crl.M.P.No.3559 of 2025

Devender Ahuja ... Petitioner

Vs

1. The State represented by
   The Inspector of Police,
   Cyber Crime Police Station,
   East Zone - Chennai - 600 028.

2. Subramaniasarma,

3. The Branch Manager,
   HDFC Bank,
   SG-5, 6, DLF Phase - 4 Galeria Market,
   Gurgaon,
   Haryana - 122009. ... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the Learned XI Metropolitan Magistrate, Saidapet, in Crl.M.P.No.23217 of 2024 in CSR.No.26 of 2023 dated 29.11.2024 and consequently to direct the third Respondent to remit the amount of Rs.79,990/- to the Petitioner's account.

For Petitioner : M/s Mahima Makhija

For R1 : Mr.K.M.D.Muhilan
Government Advocate (Crl.side)

ORDER

This petition has been filed to set aside the order passed by the XI Metropolitan Magistrate, Saidapet, in Crl.M.P.No.23217 of 2024 in CSR.No.26 of 2023 dated 29.11.2024, thereby directing the first respondent to defreeze the petitioner's account numbers and to transfer the said amount or if it is less than the same, the remaining available balance amount to the account of the defacto complainant.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the first respondent and perused the materials available on record.

3. On the complaint in CSR No.26 of 2023, on the file of the first respondent, the first respondent requested the third respondent to freeze the account of the petitioner on the allegation of on-line fraud. Pending enquiry, the first respondent filed an application for debit of a sum of Rs.79,990/- to the defacto complainant's account and the same was allowed.

4. A perusal of the complaint revealed that the defacto complainant

was cheated by the fraudsters account to the tune of Rs.1,99,000/- through bank transaction. During the course of preliminary enquiry, a sum of Rs.1,99,000/- was transferred to the fraudsters account. Therefore, the said account was requested to be freezed and a sum of Rs.79,990/- to be transferred in favour of the complainant. On the said request, the XI Metropolitan Magistrate, Saidapet, Chennai on 29.11.2024 ordered to debit a sum of Rs.79,990/- from the petitioner's account. During the preliminary enquiry, the amount has been transferred to the petitioner's account. Now, the enquiry is pending.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the XI Metropolitan Magistrate, Saidapet, in Crl.M.P.No.23217 of 2024 in CSR.No.26 of 2023 dated 29.11.2024. It is made clear that as per the order passed by the XI Metropolitan Magistrate, Saidapet, in Crl.M.P.No.23217 of 2024 in CSR.No.26 of 2023 dated 29.11.2024, after debit of the said amount, the account of the petitioner shall be defreezed and the petitioner can operate his account.

6. Accordingly, this Criminal Original petition is dismissed. Consequently, connected Miscellaneous petition is closed.

27.02.2025

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
mn

To

1. The XI Metropolitan Magistrate, Saidapet.

2. The Inspector of Police,
   Cyber Crime Police Station,
   East Zone - Chennai - 600 028.

3. The Branch Manager,
   HDFC Bank,
   SG-5, 6, DLF Phase - 4 Galeria Market,
   Gurgaon,
   Haryana - 122009.

4. The Public Prosecutor,
   High Court, Madras.

G.K.ILANTHIRAIYAN. J,

mn

Crl.O.P.No.5520 of 2025

27.02.2025