



WEB COPY



W.P.No. 4599 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P.No, 4599 of 2025

E.T.Haridass

.. Petitioner

Versus

1. The Inspector of Police
CCD-1, Tambaram City
CSR No. 528 of 2024.

2. The Branch Manager,
ICICI Bank
Thane Teen Hath Naka
Maharashtra.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 2nd respondent to return the cash to the petitioner's account in accordance with the orders passed by the learned Judicial Magistrate at Tambaram vide order in CrI.M.P.No. 1490 of 2024 dated 05.12.2024 within a limited time frame as fixed by this Court.

For Petitioner : Mr.R.Parthiban

For Respondent-1 : Mr.K.M.D.Muhilan
Government Advocate (Criminal Side)

ORDER



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This Writ Petition has been filed seeking a direction to the 2nd respondent to return the cash to the petitioner's account in accordance with the orders passed by the learned Judicial Magistrate No.I, Tambaram, vide order in Crl.M.P.No. 1490 of 2024 dated 05.12.2024 within a limited time frame as fixed by this Court.

2. According to the petitioner, he was cheated a sum of Rs.43,00,000/- through online fraud and a complaint was lodged by him before the 1st respondent police. Subsequently, he has filed a petition in Crl.M.P.No.1490 of 2024 seeking to return of frozen money from bank accounts and the same was ordered on 05.12.2024.

3. After being the order passed by the learned Judicial Magistrate No.I, the 2nd respondent/Bank had transferred the amount of Rs.33,00,000/- to the account of the petitioner in ICICI A/c.No. 100005006195, Thane Teen Hath Naka, Maharashtra. Though a sum of Rs.33,00,000/- ordered at the time of passing the order, no amount is lying in the account with the second respondent herein. Therefore, a direction sought for in the writ petition cannot be considered. However, liberty is granted to the petitioner to approach the Civil Court for appropriate relief in the manner known to law.



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4. Accordingly, the Writ Petition is dismissed. No costs.

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03.03.2025

MSM

To

1. The Inspector of Police
CCD-1, Tambaram City
CSR No. 528 of 2024.
2. The Branch Manager,
ICICI Bank
Thane Teen Hath Naka
Maharashtra.
3. The Judicial Magistrate at Tambaram.

G.K. ILANTHIRAIYAN, J

MSM



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