IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 3574 of 2024

1. M.Vijayan
S/o. Muthusamy No 22, Pachiyanna
Thevar Street, Othakalmandapam
Coimbaotre 641 032

Petitioner(s)

Vs

1. The State Of Uttar Pradesh
Rep By The Deputy Commissioner Of
Police, Cyber Crime, Police
Commissionerate, Gautambuddh Nagar
Uttar Pradesh 201 301

2.The Inspector Of Police
Gautambuddh Nagar Police Station
Cyber Crime Cell Sector 6 Noida Uttar
Pradesh 201 301 (crime No 31 / 2023)

3.The Branch Manager
Bank Of Baroda Othakalmandapam
Branch Coimbaotre 641 032

4.Swarnim Jain

D/o Shikhar Jain C-219 Sector 20,
Noida, Uttar Pradesh

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of Constitution of India to call for the records relating to the notice dated 04.02.2023 of the 2nd Respondent police issued under Sec. 91 CrPC in FIR No 31 / 2023 and quash the same and consequently pass an order to de-freeze the bank account of the petitioner maintained with the 3rd Respondent bank in Account No 69860100001705 and to allow the petitioner to operate the said account.

For Petitioner(s): C.Santhosh Kumar

For Respondent(s): M/s.. Revathi Manivannan – R3

ORDER

This Writ Petition has been filed to quash the notice dated 04.02.2023 of the second respondent issued under Sec. 91 Cr.PC in Crime No.31 of 2023 and and consequently pass an order to de-freeze the bank account of the petitioner maintained with the 3rd Respondent bank in Account No 69860100001705 and to allow the petitioner to operate the said account.

2. The case of the petitioner is that he got introduced to one Denz Mateo through Telegram App and he told the petitioner that he can earn money by sitting in his house by converting Indian Rupees to USDT [Cryptocurrency Stable Coin] and he had assured that the petitioner would get Rs.2000/- as a commission for conversion of every One Lakh Indian Rupees to USDT. Accordingly, he gave the petitioner a task to convert Rs.1,00,000/- to USDT. However, Rs.98,00,000/- was only sent by him through google pay account of the defacto complainant and sent a screen shot of google pay transfer of Rs.98,000/-. After receiving the amount, petitioner had immediately transferred the same to one Nabel MK as per the instructions of the said Denz Mateo and Nabeel MK had sent back as USDT for worth Rs.98,000/- and the petitioner also transferred the said USDT and the commission has been given to him.

3. The further case of the petitioner is that the bank account of the petitioner has been freezed as per the notice of the second respondent under section 91 Cr.P.C. in Crime No.31 of 2023. Then the petitioner came to know that a case has been registered by the second respondent on the complaint of the

defacto complainant alleging that the Cyber crime has been committed and petitioner's name with bank account is reflected in the content of the complaint alleging that she had sent Rs.98,000/- to the petitioner on the instructions of the police officials, on the guise of investigation. In this regard, the petitioner had sent a letter to the third respondent to defreeze his account. However, there is no response from the bank. It is the specific contention of the petitioner that the second respondent police has no jurisdiction to freeze the bank account of the petitioner by way of summons issued under section 91 of Cr.P.C. Hence, the present Writ Petition.

4. The learned counsel appearing for the third respondent would submit that pursuant to the direction of the second respondent, the account of the petitioner has been freezed.

5. Heard, Mr.C.Santhosh Kumar, the learned counsel appearing for the petitioner and Mrs.Revathi Manivannan, the learned counsel appearing for the third respondent.

6. It is seen that the petitioner is not an accused in crime No.31 of 2023 on the file of the second respondent. In pursuant to the registration of FIR, the first respondent issued notice under Section 91 of Cr.P.C. It revealed that during investigation the victim money was transferred to various bank accounts. In one of the accounts used by fraudster, the cheated money was transferred to the petitioner's account. Therefore, third respondent was requested to freeze all the bank accounts which are linked with suspect bank account. It is relevant to extract provision under Section 91 of Cr.P.C.

91. Summons to produce document or other thing.

(1) Whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have

complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed-

(a) to affect sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), or the Bankers' Books Evidence Act, 1891 (13 of 1891) or

(b) to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the postal or telegraph authority.

7. Thus, it is clear that the first respondent has no jurisdiction. In the summons issued under Section 91 of Cr.P.C., the investigation officer summons the person to produce the document or other things. On the summons issued under Section 91 of Cr.P.C., account cannot be freezed. That apart, the second respondent failed to comply with the procedure as contemplated under Section 102(3) of Cr.P.C. Admittedly the second respondent failed to inform the freezing of the petitioner's account to the concerned jurisdictional Magistrate even till now. However, the petitioner himself admitted that he placed order of purchase of USDT (virtual digital asset in the form of crypto currency) from a user

named Denz Mateo. He also had made a payment of Rs.98,000/- to Nabeel MK as per the instructions of the said Denz Mateo.

8. In view of the above, the petitioner is directed to deposit a sum of Rs.98,000/- in the form of fixed deposit to the credit of crime No.31 of 2023 on the file of the second respondent and on such deposit, the third respondent is directed to permit the petitioner to operate his Account No. 69860100001705.

9. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

08-09-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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To

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Police, Cyber Crime, Police
Commissionerate, Gautambuddh Nagar
Uttar Pradesh 201 301

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