



Crl.O.P.No.3579 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.3579 of 2025

Mr. A.A.R. Senthilkumar, M/A 45 Years,
S/o Ramachandran,
L-18, Housing Board Rasipuram,
Namakkal District

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Cyber Crime Police Station,
Namakkal.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 pleaded to direct the respondent to comply the order passed in Crl.M.P.No.790/2024 and Crl.M.P.No.225/2024 dated 04.01.2025 and 06.05.2025 respectively on the file of Hon'le Judicial Magistrate, Additional Mahila Court, Namakkal and subsequently direct to defreeze and reverse for a sum of rupees 10,50,000/- to the petitioner's bank account and pass such further or other orders.

For Petitioner : Mr.M.Subash

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate (Crl. Side)



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ORDER

This petition has been filed seeking direction to direct the respondent to comply the order passed in Crl.M.P.No.790/2024 and Crl.M.P.No.225/2024 dated 04.01.2025 and 06.05.2025 respectively on the file of Hon'le Judicial Magistrate, Additional Mahila Court, Namakkal and subsequently direct to defreeze and reverse for a sum of Rs.10,50,000/- to the petitioner's bank account.

2. The petitioner is the de facto complainant. Based on his complaint, the respondent registered the FIR in Crime No. 29 of 2023, alleging that the petitioner received an online notification for a part-time job through a WhatsApp message, in which an unknown person contacted him via Telegram on 26.11.2023 at about 11:00 a.m. The petitioner opened the online working account and completed tasks as per the instructions. Thereafter, the petitioner discovered that he had been defrauded after depositing a sum of Rs. 20,07,000/- from his Indian Bank account to the given UPI ID and various bank accounts, following the various tasks requested. Accordingly, the petitioner lost a total of Rs.17,84,488/-.



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3. After the registration of the FIR, an enquiry was conducted, and

a sum of Rs.7,19,488/- was recovered and transferred to the petitioner's account. Regarding the remaining amount of Rs.10,65,000/-, there is no money remaining in the bank account and as such, the respondent could not recover the same. Therefore, the trial court recorded the same and further directed the respondent to either file a reply issued by the bank regarding column No.5 for the sum of Rs.15,000/- or take steps to defreeze and reverse the sum of Rs.15,000/- to the petitioner's bank account.

4. On instructions, Mr.K.M.D.Muhilan, Govt.Advocate (Crl. Side),

for the respondent, states that no amount is lying with the bank and therefore, this Court's could not be complied with by the respondent. Further, the petitioner's request to defreeze the account and reverse a sum of Rs.10 lakhs cannot be granted since no amount is lying with the accused bank.

5. In view of the above, this Criminal Original Petition is

dismissed. Further, the respondent is directed to complete the investigation and file a final report in Crime No.29 of 2023 within a period of 12 weeks, from the date of receipt of copy of this order.

12.02.2025



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Index : Yes/No

Neutral citation : Yes/No

Speaking/non-speaking order

To,

1. The Judicial Magistrate, Additional Mahila Court, Namakkal.
2. The Inspector of Police, Cyber Crime Police Station, Namakkal.
3. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

bsm

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