IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM:

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

**W.P.No.5527 of 2025**
**and W.M.P.No.6093 of 2025**

Preeti Jain ..... Petitioner

Vs

1. The Inspector of Police,
Cybercrime Police Station,
Kottaimedu,
Kallakurichi District,
Tamil Nadu - 606 202.

2. The Branch Manager,
ICICI Bank,
Chaudharya More Branch,
Plot No 270 Ambedkar Road,
Choudhary More,
Ghaziabad, Uttar Pradesh - 201 001.

3. The Superintendent of Police
Kallakurichi District,
District Police Office,
Kallakurichi, Tamil Nadu - 606 202. ..... Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to unfreeze the petitioner's ICICI bank Account, Account Number (125605500835) and place a lieu on the disputed amount alone.

For Petitioner : Mr.Arun Kumar A
For R1 & R3 : Mr.A.Gopinath
Government Advocate (Crl.Side)

**ORDER**

This Writ Petition has been filed for a direction, directing the first respondent to defreeze the petitioner's ICICI Bank Account No.125605500835.

2. The case of the petitioner is that the petitioner is a proprietrix of M/s.Vardhaman Petroleum and having an account with the second respondent. Now, on the request made by the first respondent, the petitioner's account has been frozen and as such, the petitioner was not able to operate her account. He further submitted that after an enquiry, the petitioner came to know that there are two transaction involving a sum of Rs.31,912/- and 43,927/- with a Bharatpay account and the same were allegedly involved in a cyber fraud in C.No.424/CCPS/KLK/2024. Except the said two transactions, no other transactions with any other party were involved.

3. The counter affidavit filed by the first respondent and the submissions made by the learned Government Advocate (Crl.Side) reveals that on 11.03.2024 at about 14.30 hours, the defacto complainant lodged a complaint before the first respondent, alleging that she saw and advertisement for an Indian Oil gas dealership through her husband face book ID and subsequently registered her mobile number. On 05.02.2024, the defacto complaint received a phone call from an unknown number and a person named Vikram Sharma, Assistant Manager of a Bharath Gas dealership, informed her that they could

offer her the dealership. Based on that, the defacto complainant paid a sum of Rs.5,29,649/- to Punjab National Bank Account No.1384100100003599 through 13 transactions from her bank accounts for various reasons, such as KYC charge, NOC, Cylinder security fees, material fees etc. Hence, the complaint. The details of the 13 transactions are as follows :

| Sl. No | From (Victim A/c.No) | To (Suspect A/c.No) | Trxn ID | Trxn Date | Trxn amount |
|---|---|---|---|---|---|
| 1 | A/c No. 922020058194514, IFSC : UTIB0003549 (Moongilpadi Branch) | A/c No. 1384100100003599, IFSC : PUNB0138110 (Mumbai Central Branch) | 40372235610 | 06.02.2024 | 4,999 |
| 2 | | | 40387258501 | 07.02.2024 | 25,500 |
| 3 | | | 40407396207 | 09.02.2024 | 50,000 |
| 4 | | | 40412179950 | 10.02.2024 | 10,000 |
| 5 | | | 40431136340 | 12.02.2024 | 2,00,000 |
| 6 | | | 40446029672 | 13.02.2024 | 36,250 |
| 7 | | | 40503176809 | 19.02.2024 | 10,000 |
| 8 | | | 40519481413 | 20.02.2024 | 10,000 |
| 9 | | | 40529310014 | 21.02.2024 | 22,900 |
| 10 | | | 40539462296 | 22.02.2024 | 10,000 |
| 11 | | | 40556945007 | 24.02.2024 | 20,000 |
| 12 | | | 40575506280 | 26.02.2024 | 30,000 |
| 13 | | | 405914349859 | 28.02.2024 | 1,00,000 |

4. On receipt of the said compliant, an FIR has been registered in Crime No.8 of 2024 for the offence under Section 420 of IPC and Section 66D of Information Technology Act 2000 on 11.03.2024. During the investigation, it was found that several transactions were made through the petitioner's account to Bharathpay. The following transactions are extracted hereunder :

| Sl. No | From (Suspect A/c.No) | To (Petitioner/Preeti Jain A/c.No) | Transaction amount | Transaction Date | Type |
|---|---|---|---|---|---|
| 1 | A/c No. 1384100100003599, IFSC : PUNB0138110 (Mumbai Central Branch) | A/c No. 125605500835 IFSC : ICIC0001256 (Choudhary More Ghaziabad) | 10,200.00 | 10.02.2024 | POS |
| 2 | | | 10,200.00 | 12.02.2024 | POS |
| 3 | | | 10,200.00 | 12.02.2024 | POS |
| 4 | | | 10,200.00 | 13.02.2024 | POS |
| 5 | | | 10,200.00 | 13.02.2024 | POS |
| 6 | | | 10,200.00 | 13.02.2024 | POS |
| 7 | | | 10,200.00 | 13.02.2024 | POS |
| 8 | | | 15,300.00 | 13.02.2024 | POS |
| 9 | | | 10,200.00 | 14.02.2024 | POS |
| 10 | | | 10,000.00 | 15.02.2024 | POS |
| 11 | | | 10,000.00 | 15.02.2024 | POS |
| 12 | | | 10,000.00 | 15.02.2024 | POS |
| 13 | | | 10,000.00 | 15.02.2024 | POS |
| 14 | | | 10,000.00 | 15.02.2024 | POS |
| 15 | | | 10,000.00 | 17.02.2024 | POS |
| 16 | | | 10,200.00 | 10.02.2024 | POS |
| 17 | | | 10,200.00 | 10.02.2024 | POS |

5. Therefore, the first respondent made a request to the second respondent to freeze the petitioner's account. Accordingly, the petitioner's account was frozen on 04.07.2024. Further, the investigation is still pending and the first respondent has also complied with all the the procedure as contemplated under the Code of Criminal Procedure, after freezing the petitioner's account. Though the petitioner has not yet been named as an accused, the investigation is pending and the account in question is linked to transactions from other States. Therefore, at this stage, if the petitioner is allowed to operate her account, it would affect the entire investigation.

6. In view of the above, this Court finds no grounds to defreeze the petitioner's account. Hence, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

17.02.2025

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

1. The Inspector of Police,
Cybercrime Police Station,
Kottaimedu,
Kallakurichi District,
Tamil Nadu - 606 202.

2. The Superintendent of Police
Kallakurichi District,
District Police Office,
Kallakurichi, Tamil Nadu - 606 202.

**G.K.ILANTHIRAIYAN. J,**

Lpp

3. The Public Prosecutor,
High Court, Madras.

**W.P.No.5527 of 2025**

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