



W.P.No.5329 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

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

W.P.No.5329 of 2024

and

W.M.P.Nos.5858 & 5859 of 2024

Aleem Adil Syed Ismail

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Petitioner

Vs

1.The Deputy Commissioner of Police,
CEN Crime Police Station – North Division,
2nd Floor, Deputy Commissioner Office Building,
North Division,
Bangalore – 560 022.

2.The Branch Manager,
ICICI Bank,
Bazullah Road,
Thyagaraja Nagar,
Chennai – 600 017.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call upon the records pertaining to the notice u/s.91, 102 Cr.P.C in Crime No.927 of 2023 dated 22.08.2023 on the file of the first respondent and quash the same with respect to the petitioner herein and savings Account



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No.602601253222 held with the second respondent and consequently direct the second respondent to defreeze the savings account No.602601253222 held with the second respondent.

For Petitioner	:	Mr.S.Sathya Chandran for Mr.P.T.Geotom
For R1	:	Mr.K.M.D.Muhilan Government Advocate (Crl.Side)
For R2	:	Mr.S.Krishna for M/s.Acuity Law Associates

ORDER

This Writ Petition has been filed challenging the notice under Sections 91 and 102 of Cr.P.C in Crime No.927 of 2023 dated 22.08.2023 on the file of the first respondent and quash the same with respect to the petitioner herein and the savings Account No.602601253222 held with the second respondent and consequently direct the second respondent to defreeze the savings account No.602601253222 held with the second respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. On the request made by the first respondent, the second respondent had frozen the account of the petitioner pursuant to the registration of the FIR in Crime No.927 of 2023 for the offence under Section 66 (C)(D) of Information Technology Act, 2000 and 420 of IPC. It is alleged that the defacto complainant was cheated through online transaction to the tune of Rs.16,58,000/-. Pursuant to the registration of the FIR, the first respondent issued a notice under Sections 91 and 102 of Cr.P.C to the second respondent and requested them to freeze petitioner's account. That apart, the petitioner was also called for enquiry and he attended the enquiry before the first respondent and his statement was recorded. Further, the petitioner was not arrayed as an accused.

4. In view of the above, freezing the petitioner's account would not serve any purpose. Therefore, the second respondent is directed to defreeze the account of the petitioner within a period of two weeks from the date of receipt of a copy of this order and the petitioner is permitted to operate his account.



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5. With the above direction, this Writ Petition stands

allowed. Consequently, connected miscellaneous petitions are closed.

No costs.

26.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The Deputy Commissioner of Police,
CEN Crime Police Station – North Division,
2nd Floor, Deputy Commissioner Office Building,
North Division,
Bangalore – 560 022.

2.The Public Prosecutor,
High Court of Madras, Chennai.



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G.K.ILANTHIRAIYAN, J.

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