



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM:

WEB COPY

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

Crl.O.P.Nos. 5902, 5904, 5909, 5911, 5917, 5925 & 5927 of 2025

Crl.O.P.No.5902, 5904, 5909 & 5911 of 2025

M. Chandrasekaran

...Petitioner in Crl.O.P.Nos.5902,
5904, 5909 & 5911 of 2025

Versus

1.The Commissioner of Police,
Vepery, Chennai 600 007

2.The Inspector of Police
J5, Shastri Nagar Police Station, Chennai
(Crime No 14/2025 in CSR.No 07/2025)

3.The Branch Manager
Indian Bank, Besant Nagar Branch,
Chennai 600 020.

...3rd respondent in
Crl.O.P.No.5902 of 2025

4. The Branch Manager,
Indian Overseas Bank,
Adyar Branch, Chennai 600 020.

...3rd respondent in Crl.O.P.Nos.
5904 & 5909 of 2025

5. The Branch Manager,
Indian Overseas Bank,
Perumpur Branch, Chennai – 600 020...3rd respondent in Crl.O.P.No
5911 of 2025

Crl.O.P.Nos.5917, 5925 & 5927 of 2025

M.Sathya

...Petitioner in Crl.O.P.Nos.
5917, 5925 & 5927 of 2025

Versus

1.The Commissioner of Police,
Vepery, Chennai 600 007.



2.The Inspector of Police
J5, Shastri Nagar Police Station, Chennai
(Crime No 14/2025 in CSR.No 07/2025)

3.The Branch Manager
Indian Bank, Besant Nagar Branch,
Chennai 600 020.

...3rd Respondent in Crl.O.P. Nos
5917 & 5927 of 2025

4.The Branch Manager,
Indian Overseas Bank,
Mugaiyur Branch,
Villupuram District

...3rd Respondent in Crl.O.P.No.
5925 of 2025

COMMON PRAYER in Crl.O.P.Nos.5902, 5904, 5909 & 5911 of 2025 : Criminal Original Petitions are filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the respondents 2 and 3 to defreeze the petitioner's account in Indian Bank, Besant Nagar Branch, Chennai, in A/c. No.7734599677 ; in Indian Overseas Bank, Adyar Branch, Chennai, in A/c.Nos. 000202000002773 & 000201000024782 ; and in Indian Overseas Bank, Perambur Branch, Chennai, in A/c.No. 016701000050614 respectively frozen under order dated 06.01.2025, 08.01.2025 passed by the 2nd respondent.

COMMON PRAYER in Crl.O.P.Nos.5917, 5925 & 5927 of 2025: Criminal Original Petitions are filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the respondents 2 and 3 to defreeze the petitioner's account in Indian Bank, Besant Nagar Branch, in A/c.No.7757779629 ; in A/c.No.6398577729 along with Locker No.107G ; and in Indian Overseas Bank, Mugaiyur Branch, Villupuram District in A/c.No.077201000017672 respectively frozen under order dated 06.01.2025, 08.01.2025 passed by the 2nd respondent.

For Petitioner (in all petitions) : Mr.S.Natarajan
For R1 & R2 (in all petitions) : Mr.A.Gopinath
Govt. Advocate (Crl.Side)
For R3 (in all petitions) : Mr.S.I.Sharukumar

COMMON ORDER

These Criminal Original Petitions have been filed seeking a direction to the respondents 2 and 3 to defreeze the accounts of the petitioners.



2. Heard the learned counsel appearing on either side and

perused the materials available on record.

3. The petitioners are having account with the third respondent. Pursuant to the complaint lodged by the complainant, the complainant was issued CSR No.7 of 2025. Pending enquiry, the second respondent requested the third respondent to freeze the accounts of the petitioners and accordingly, the third respondent has frozen the accounts and the petitioners were not permitted to operate their accounts. The only ground raised by the petitioners is that in the absence of registration of the FIR, the second respondent ought not to have requested the third respondent to freeze the petitioners account.

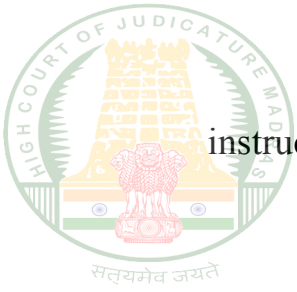
4. In support of his contention, he relied upon the Judgment of this Court in W.P.No.25631 of 2024, dated 10.09.2024, wherein, this Court, after referring to the circular issued by the Commissioner of Police, held that in case of any freezing of bank accounts, there should be an FIR. Without FIR, freezing bank account should not be entertained. Further reliance was placed on the judgment of the Hon'ble Supreme Court of India, wherein it was held that the account holder to execute a bond undertaking to deposit the amount in case the money found in his



account is tainted money and liable to be forfeited. The Supreme Court had also directed the bank to defreeze the accounts and maintain a lien over the amount, subject to the out come of the complaint.

5. In the case on hand, on the complaint lodged by the second respondent, CSR was issued on 07.01.2025. However, accounts of the petitioners were already frozen on 05.01.2025 i.e., prior to the issuance of the CSR. After conducting a preliminary enquiry, the second respondent registered the FIR in Crime No.14 of 2025 for the offence under Section 315 of the Bharatiya Nyaya Sanhita, 2023. However, even before registration of the FIR, the second respondent requested the third respondent to freeze the accounts of the petitioners. Accordingly, the accounts of the petitioners were frozen and the petitioners were not operated their accounts from 07.01.2025.

6. The learned counsel appearing for the petitioners submitted that the offence alleged under Section 315 of the Bharatiya Nyaya Sanhit, 2023 is a non-cognizable offence and hence, the second respondent ought to have obtained prior permission from the Jurisdictional Magistrate before registering the FIR. In the absence of such permission, the FIR is unsustainable in law and is liable to be quashed. Pursuant to the registration of the FIR, the second respondent



instructed the third respondent to freeze the accounts of the petitioners.

WEB COPY

7. On instructions, the learned Government Advocate (Crl.Side) appearing for the first and second respondents submitted that the petitioners, who are the husband and wife, were caretakers of the deceased persons, Venkat Rao and Kamala. While they were under bedridden, both the petitioners have swindle the amount to the tune of Rs.7 Crores. That apart, looted 150 sovereigns of jewels including household articles. The entire amount was transferred to various accounts. Though the Commissioner of Police has issued a circular stating that bank accounts can be frozen only upon registration of an FIR, in the present case, the accounts were frozen even before such FIR was registered.

8. On receipt of the complaint, the second respondent conducted a preliminary enquiry. During the preliminary enquiry, it was revealed that the petitioners had misappropriated huge money by transferring funds from the deceased persons' accounts to their accounts. Further, the petitioners had taken away 105 sovereigns of jewels and diamonds. In view of the serious nature of allegations, it is absolutely necessary for the second respondent to proceed with the investigation and accordingly the directions were issued to the third respondent to



WEB COPY

freeze the accounts of the petitioners thereby preventing them from operating the same. Further, the frozen of the accounts was based on the gravity of the allegations and is not contingent on whether the offence is cognizable or non-cognizable. Further, the registration of the FIR is a procedural step upon receipt of information disclosing the commission of a cognizable offence. During the preliminary enquiry, it reveals that there is very serious allegations as against the petitioners.

9. The learned counsel appearing for the second respondent/defacto complainant submitted that even during the lifetime of the deceased persons, viz., Venkat Rao and Kamala, the petitioners had entered into a rental agreement in respect of the premises situated at GJ Apartment, Old No.11, New No.44, Jeevanatnam Nagar 1st Street, Adyar, Chennai and they are now residing there. He further submitted that the Investigating Agency is empowered to request the freezing of bank accounts even prior to the registration of the FIR, especially when there are serious allegations and the necessity to prevent further misappropriation of funds.

10. In view of the above, this Court finds no infirmity or illegality in the direction issued by the second respondent to the third respondent to freeze the accounts of the petitioners. Accordingly, these



Crl.O.P.Nos.5902 of 2025 and etc. batch.



Criminal Original Petitions stand dismissed.

03.03.2025

WEB COPY

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



Crl.O.P.Nos.5902 of 2025 and etc. batch.



G.K.ILANTHIRAIYAN, J.

Lpp

WEB COPY

- To
- 1.The Commissioner of Police, Vepery, Chennai 600 007
 - 2.The Inspector of Police
J5, Shastri Nagar Police Station, Chennai
 - 3.The Public Prosecutor, High Court of Madras, Chennai.

Crl.O.P.Nos.5902, 5904, 5909, 5911,
5917, 5925 & 5927 of 2025 of 2025

03.03.2025