IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

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

W.P.No.9295 of 2025

Arun ... Petitioner

Vs.

1.The Additional Director General of Police
Cyber Crime Wing,
No.3, Dr.Natesan Road, Police Training College Campus,
3rd floor, Cyber Crime Wing,
Ashok Nagar,
Chennai 600 083.

2.The Superintendent of Police,
SP Office, Manjakuppam,
Cuddalore 607 001.

3.The Additional Deputy Superintendent of Police
Cuddalore Cyber Cell
SP Office,
Cuddalore District 607 001.

4.The Inspector of Police,
Alipiri Police Station,
Tirupati 517 501.

5.The Senior Manager,
Canara Bank,
Transaction Monitoring Vertical

Part of Head Office,
2nd Floor – HMWSSB Building,
Khairatabad,
Hydrabad 600 004.

6.The Chief Manager
Canara Bank
No.74 Vasantham Complex,
North Main Road,
Sethiathope and Post,
Bhuvanagiri Taluk,
Cuddalore District 608 702. ..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of declaration declaring the action of the fifth and sixth respondents freezing the saving bank account bearing Account No.6014101006907 maintained with the sixth respondent as illegal, arbitrary and consequently, direct the sixth respondent to de-freeze the savings bank account No.6014101006807 thereby enabling the petitioner to operate the same.

For Petitioner : Mr.N.U.Pressanna

For R1 to R3 : Mr.A.Gopinath,
Government Advocate (crl.side

For R6 : Mr.S.Pandurangan

ORDER

The writ petition has been filed seeking the following reliefs:

(a) To declare the action of the fifth and sixth Respondents in freezing the Petitioner's savings bank account (Account No. 6014101006907) as illegal, arbitrary, and in violation of the law.

(b) To direct the sixth Respondent to defreeze the Petitioner's savings bank account bearing Account No. 6014101006907 and permit the Petitioner to operate the same without any hindrance.

2. The case of the prosecution is that the Petitioner's savings account was frozen on a request made by the fourth Respondent, in connection with the registration of FIR in Crime No. 155 of 2023 for the offence under Section 420 of IPC and Section 66-D of the Information Technology Act. The investigation revealed that unknown individuals had committed an investment fraud, and the victims had been cheated through transactions made from their debit cards. During the course of investigation, suspicious transactions linked to the Petitioner's account

were discovered. As a result, the fourth Respondent requested the sixth Respondent to freeze the Petitioner's account and marked it as "No-Debit" (HOLD), pending further investigation.

3. The learned counsel for the Petitioner submits that the Petitioner's account was frozen without any due process of law and without giving the Petitioner an opportunity to defend himself. That apart, the Petitioner is not named as an accused in Crime No. 155 of 2023, nor has there been any evidence to link the Petitioner to the alleged offence. It was further argued that the Petitioner has made several representations to both the fifth and sixth Respondents, requesting the defreezing of his account. However, there has been no progress in the investigation, nor has there been any reasonable cause for the continued freezing of the account. The Petitioner has a sum of Rs. 80,000/- lying in the account, which he is unable to access due to the freezing order.

4. The learned counsel for the sixth Respondent submits that the freezing of the Petitioner's account was done pursuant to a request made by the fourth Respondent, based on the investigation into the fraudulent

activity. The sixth Respondent further submits that the account was marked as "No-Debit" as part of the ongoing investigation into the fraud, and the Petitioner's account was subject to the same freeze order as other accounts under investigation. However, the sixth Respondent also acknowledges that there has been no further development from the fourth Respondent's side and that the Petitioner has made multiple requests to lift the freeze.

5. Heard both sides and perused the material placed before this Court. Though notice has been served on the fourth respondent, no one appeared on behalf of the fourth respondent either through video conferencing or in person.

6. On perusal of records, it appears that there is no formal charge or accusation made against the Petitioner in relation to the Crime No. 155 of 2023. The continued freezing of the Petitioner's account, which contains a sum of Rs. 80,000/-, without any evidence of the Petitioner's involvement in the alleged fraudulent activity, amounts to an arbitrary action. The Petitioner has been deprived of access to his own funds for a

considerable period, and no progress has been made in the investigation that would justify such a freeze. In the absence of any formal charges or material evidence linking the Petitioner to the alleged fraud, this Court finds that the freezing of the account is not supported by law and is disproportionate to the ongoing investigation. Accordingly, this Court directs the sixth Respondent to defreeze the Petitioner's savings bank account bearing Account No. 6014101006907 forthwith and permit the Petitioner to operate the same without any restrictions.

7. With the above direction, this Writ Petition stands disposed of. No costs.

15.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

To

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Sethiathope and Post, Bhuvanagiri Taluk,
Cuddalore District 608 702.

7. The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.

shk

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