



W.P.Nos.10818, 10822 & 10827 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.03.2025

CORAM:

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

W.P.Nos.10818, 10822 & 10827 of 2025

and

W.M.P.Nos.12190,12192, 12195, 12196, 12198 & 12199 of 2025

W.P.No.10818 of 2025

AXIS Bank Ltd.
Thiruvottriyur Branch,
Rep. by its authorized signatory
S.Karuppasami
Having address at
Ground Floor, No.1039/1, Kaladipet,
Thiruvottriyur High Road,
Chennai – 600 019.

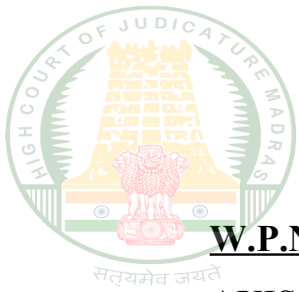
.... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by Station House Officer,
Cyber Crime Branch,
Thiruvannamalai.

2. Raman Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prayed for issuance of Writ of Certiorari, to call for the records of the learned Judicial Magistrate – II, Thiruvannamalai in passing the order in dated 25.09.2023 in CrI.M.P.No.6391 of 2023 in the FIR in Crime No.3 of 2023 and quash the same as being arbitrary, illegal and violative of principles of natural justice.



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W.P.No.10822 of 2025

AXIS Bank Ltd.
Nilambur Branch,
Rep. by its authorized signatory
K.M.Zafeer
Having address at
Nilambur Branch,
10/12, Ayisha Tower,
Keerthi Padi, Nilambur – 679 329
Kerala

.... Petitioner

Vs

1. State by the Inspector of Police,
CCD-II, PS, Krishnagiri.

2. Anand

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prayed for issuance of Writ of Certiorari, calling for the records of the learned Judicial Magistrate – II, Krishnagiri, in passing the order in dated 25.07.2024 in CrI.M.P.No.4997 of 2024 in Crime No.52 of 2024 and quash the same as being arbitrary, illegal and violative of principles of natural justice.

W.P.No.10827 of 2025

AXIS Bank Ltd.
Krishna Nagar Branch, Jubilee Hills,
Rep. by its Branch Manager
Shanthi Choudari Bayya
Having address at
D No.8/3/231/W/A/182,
Ground Floor Jubilee Ball Park,
Krishna Nagar, Hyderabad – 500045.

.... Petitioner

Vs

1. State rep. by Inspector of Police,



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Central Crime Branch,
CCD-1, Chennai North.

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2. V.Janani

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prayed for issuance of Writ of Certiorari, calling for the records of the learned Additional Chief MetropolitanMagistrate, Egmore, in passing the order dated 16.05.2024 in Crl.M.P.No.7895 of 2024 in Crime No.47 of 2023 and quash the same as being arbitrary, illegal and violative of principles of natural justice.

For Petitioners
(in all W.Ps)

: Mr.Rahul Balaji

For R1
(in all W.Ps)

: Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

These Writ Petitions have been filed challenging the order dated 25.09.2023 passed in Crl.M.P.No.6391 of 2023 in Crime No. 3 of 2023 by the Judicial Magistrate No.II, Thiruvannamalai ; the order dated 25.07.2024 passed in Crl.M.P.No.4997 of 2024 in Crime No.52 of 2024 by the Judicial Magistrate No.II, Krishnagiri and the order dated 16.05.2024 passed in Crl.M.P.No.7895 of 2024 in Crime No.47 of 2023 by the Additional Chief Metropolitan Magistrate, Egmore, Chennai.

2. Heard the learned counsel appearing on either side and



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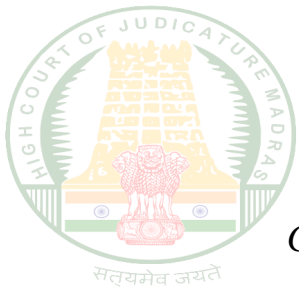
perused the materials available on record.

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3. The learned counsel appearing for the petitioner would submit that the learned Magistrate, without issuing notice to the petitioner on the petition filed by the victims, viz., the second respondent herein in all the petitions, passed orders, thereby directing the petitioner to disburse the amount in favour of the second respondent from the account of the accused. He further submitted that the petitioner is receiving various Court orders across India directing to disburse the amounts, which is lying in the account of the accused, to the victims. Once the amount is disbursed from the account of the accused in compliance with one such order, the petitioner would be unable to comply with any subsequent order from any other Court pertaining to the same account. Therefore, if any notice served on the petitioner, they have an opportunity to place their explanation before the concerned Court. He also relied upon the Judgment of the High Court of Karnataka at Bengaluru in ***Criminal Petition No.11203 of 2024 dated 11.11.2024*** in the case of ***AXIS Bank Ltd, represented by its Branch Head, Mr.Zafeer K.M Vs. The State of Karnataka***, wherein the Court passed the following order :

“(i) *Criminal Petition is allowed.*

(ii) *The order dated 31.07.2024, passed by the XLV Additional Chief Judicial Magistrate, Bengaluru in*



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Cr.No.25/2024 is hereby set aside.

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(iii) Matter is remanded to XLV Additional Chief Judicial Magistrate, Bengaluru, to reconsider the application filed under Sections 451 and 457 of Cr.P.C afresh, after affording opportunity of hearing to the petitioner.

(iv) Till the application is disposed of, the petitioner/bank is restrained from releasing the money in favour of any person from the subject account.

(v) In the light of the issue pending for such consideration, I deem it appropriate to direct the concerned Court to dispose the application so filed under Sections 451 and 457 of Cr.P.C. as expeditiously as possible, at any rate, within eight weeks from the date of receipt of copy of this order.”

4. It is seen that the second respondent is one of the victims of the online fraud committed by the accused. Based on the complaint, the first respondent registered the FIR. Pursuant to the registration of the FIR, the bank accounts of the accused were frozen. Subsequent to the freezing of the accounts of the accused, the second respondent filed applications seeking transfer of the amount lying in the accused's bank account to the victim's account. On receipt of the such applications, the learned Magistrate, allowed the applications filed by the second respondent.

5. Admittedly, the amount has been transferred only from the



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bank account of the accused. In fact, as directed by the police, the petitioner has frozen the account of the accused. Accordingly, the learned Magistrate passed orders directing the transfer of the amount from the account of the accused to the victims. The petitioner, who is being the bank, has to comply with the said direction.

6. The only grievance of the petitioner is that, if multiple orders are passed with similar directions, the petitioner may not be in a position to comply with all of the orders. It is made clear that the petitioner shall act on a “first come first serve” basis, i.e., the order first received from the competent Court shall be complied with first. After compliance with the initial order, if no funds remain in the accused's account, the petitioner shall not be held responsible for non-compliance with subsequent orders, as no amount would be available for disbursement.

7. In view of the above, this Court finds no infirmity or illegality in the order dated 25.09.2023 passed in CrI.M.P.No.6391 of 2023 in Crime No. 3 of 2023 by the Judicial Magistrate No.II, Thiruvannamalai ; the order dated 25.07.2024 passed in CrI.M.P.No.4997 of 2024 in Crime No.52 of 2024 by the Judicial Magistrate No.II, Krishnagiri and the order dated 16.05.2024 passed in CrI.M.P.No.7895 of



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2024 in Crime No.47 of 2023 by the Additional Chief Metropolitan

Magistrate, Egmore, Chennai. Accordingly, these Writ Petition stands

dismissed. Consequently, connected miscellaneous petitions are closed.

No costs.

26.03.2025

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

1. The Judicial Magistrate No.II,
Thiruvannamalai.

2. The Judicial Magistrate No.II,
Krishnagiri.

3. The Additional Chief Metropolitan Magistrate,
Egmore, Chennai.

4. Station House Officer,
Cyber Crime Branch,
Thiruvannamalai.

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5. The Inspector of Police,
CCD-II, PS, Krishnagiri.

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6. Inspector of Police,
Central Crime Branch,
CCD-1, Chennai North.

7. The Public Prosecutor,
High Court, Madras.

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