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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-03-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P. NO. 11341 of 2025

and WMP.Nos.12786 & 12788 of 2025

Axis Bank Ltd.,
Manipal Branch
Rep by its Authorised Signatory Satheesha Kumara
Having address at:
No.351-184, Shivali Village Udupi garden,
Manipal Branch, Karnataka – 576 119.

.. Petitioner

Vs

1.State rep. By Inspector of Police,
Cyber Crime Police Station,
CCD-1, Chennai City, Chennai.

2. S.Shahin Sithara
No.2B/7, Audiyapatham Street, Mannady,
Chennai – 600 001.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the learned XI Metropolitan Magistrate, Saidapet in passing order dated 30.09.2024 in CrI.MP.No.17699 of 2024 in Cr.No.225 of 2023 and quash the same.

For Petitioner : Mr.Rahul Balaji

For R1 : Mr.A.Gopinath
Government Advocate (CrI.Side)



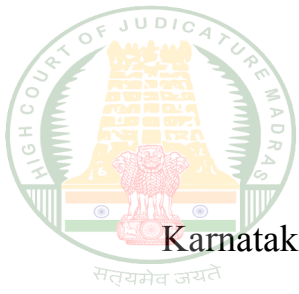
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ORDER

This petition has been filed challenging the order dated 30.09.2024 passed in CrI.M.P.No.17699 of 2024 in Crime No. 225 of 2023 by the XI Metropolitan Magistrate, Saidapet, Chennai.

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

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 victim, viz., the second respondent herein 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 victim. 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, she has an opportunity to place her explanation before the concerned Court. He also relied upon the Judgment of the High Court of



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

(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 victim 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

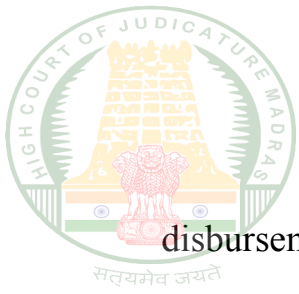


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accounts of the accused were frozen. Subsequent to the freezing of the accounts of the accused, the second respondent filed application seeking transfer of the amount lying in the accused's bank account to the victim's account. On receipt of the such applications, the learned Magistrate, allowed the applications filed by the second respondent.

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

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7. In view of the above, this Court finds no infirmity or illegality in the order dated 30.09.2024 passed in Crl.M.P.No.17699 of 2024 in Crime No. 225 of 2023 by the XI Metropolitan Magistrate, Saidapet, Chennai. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

28.03.2025

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

drl

To

1. The Inspector of Police,
Cyber Crime Police Station,
CCD-1, Chennai City, Chennai.

2. The Public Prosecutor,
High Court, Madras.

3. The XI Metropolitan Magistrate,
Saidapet, Chennai.

G.K.ILANTHIRAIYAN, J.



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