IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2025

CORAM:

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

Crl.R.C.Nos.951 & 964 of 2025

Crl.R.C.No.951 of 2025

M.Sakthivel Subramanian ..... Petitioner

Vs

1. The State, rep. by
The Inspector of Police (Crime),
K8, Arumbakkam Police Station,
Chennai.
Crime No.102 of 2025.

2. The Branch Manager,
Karur Vysya Bank,
Arumbakkam Branch,
Plot No.12,
Sri Venkatesa Perumal Nagar,
Arumbakkam, Chennai – 600 106. ..... Respondents

Crl.R.C.No.964 of 2025

M.Sakthivel Subramanian ..... Petitioner

Vs

1. The State, rep. by
The Inspector of Police (Crime),
K8, Arumbakkam Police Station,
Chennai.
Crime No.102 of 2025.

2. The Branch Manager,
ICICI Bank Limited,
Chennai-Harrington Road Branch,
G-3, Rain Tree Place, Unit G3,
No.7, MC Nicholas Road,
Chetpet, Chennai – 600 031. ..... Respondents

Prayer in Crl.R.C.No.951 of 2025 : Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to allow the present criminal revision petition and set aside the impugned order dated 09.06.2025 passed in Crl.M.P.No.5750 of 2025 in Crime No.102 of 2025 on the file of the learned V Metropolitan Magistrate Court, Egmore, Chennai and direct the first respondent to defreeze the Savings A/c.No.128915500009330 of the petitioner.

Prayer in Crl.R.C.No.964 of 2025 : Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to allow the present criminal revision petition and set aside the impugned order dated 09.06.2025 passed in Crl.M.P.No.5961 of 2025 in Crime No.102 of 2025 on the file of the learned V Metropolitan Magistrate Court, Egmore, Chennai and direct the first respondent to defreeze the Current Account No.777705896222 of the partnership firm M/s.Bio Clean India.

For Petitioner : Mr.M.Palanivel
(in both Crl.R.Cs)

For R1 : Mr.A.Gopinath
(in both Crl.R.Cs) Government Advocate (Crl.Side)

COMMON ORDER

This Criminal Revision Case has been filed challenging the order dated 09.06.2025 passed in Crl.M.P.No.5750 of 2025 and Crl.M.P.No. 5961 of 2025 by the V Metropolitan Magistrate, Egmore, Chennai, thereby dismissing the petition filed seeking to defreeze the Savings Account No.1289155000009330 of the petitioner and the Current Account No.777705896222 of the partnership firm, viz. M/s.Bio Clean India.

2. The petitioner is arrayed as A2 in the complaint lodged by the defacto complainant, alleging that the petitioner and the defacto complainant are the partners of M/s.Bio Clean India, in which, the petitioner had 60% of share and the defacto complainant had 40% of the share. There was a dispute between them and as such, the petitioner herein fabricated the PIN number of the defacto complainant and operated the partnership firm's account, thereby transferring the defacto complainant's share into his private account.

3. Based on the complaint, the first respondent registered an FIR in Crime No.102 of 2025 for the offences under Sections 403, 406, 420 and 506(i) of IPC. Pursuant to the registration of the FIR, the accounts of the partnership firm as well as the private account have been frozen by the first respondent for purpose of investigation. Therefore, the petitioner filed applications to defreeze both the accounts viz., personal account as well as the partnership firm account. Both the applications were dismissed.

4. The learned counsel appearing for the petitioner would submit that the petitioner is not permitted to operate his account and the partnership firm, since then there are due to pay, such as, rent, salaries, electricity bill and other dues. He further submitted that in this regard, the petitioner had already filed a suit in O.S.No.3876 of 2024 on the file of the XV Assistant Judge, City Civil Court, Chennai, for dissolution of the partnership deed dated 10.09.2022 entered between the petitioner and the defacto complainant, which is pending. He also submitted that the provision under Section 102 of the Criminal Procedure Code was also not complied with.

5. Per contra, the learned Government Advocate (Crl.Side) appearing for the first respondent submitted that even according to the petitioner, the entire amount, which was invested by the defacto complainant, has been transferred from the personal account to the partnership firm account for the purpose of investigation. Both the accounts have been frozen and investigation is pending.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent. Perused the materials available on record.

7. A perusal of the records reveals that the petitioner filed a suit for dissolution of the partnership firm after transferring the amount, which was invested by the defacto complainant. Further, the respondent also complied the provision under Section 102 of the Criminal Procedure Code by informing freezing of the account before the Trial Court. Hence, the Trial Court rightly dismissed the petition filed seeking to defreeze the Savings Account No.1289155000009330 of the petitioner

and the Current Account No.777705896222 of the partnership firm, viz. M/s.Bio Clean India.

8. In view of the foregoing discussions, this Court finds no infirmity or illegality in the order dated 09.06.2025 passed in Crl.M.P.Nos.5750 & 5961 of 2025 by the V Metropolitan Magistrate, Egmore, Chennai. Accordingly, these Criminal Revision Cases stand dismissed.

02.07.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
Lpp

To

1.The V Metropolitan Magistrate, Egmore, Chennai

2. The Inspector of Police (Crime),
K8, Arumbakkam Police Station,
Chennai.

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

G.K.ILANTHIRAIYAN. J,

Lpp

Crl.R.C.Nos.951 & 964 of 2025

02.07.2025