



Crl.O.P.Nos.23211 and 23218 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.23211 and 23218 of 2024

John Peter

... Petitioner in both Crl.O.Ps

Vs

1. The State Rep By
The Inspector of Police,
AWPS - Perambalur Police Station,
Perambalur-621 212.
2. The Senior Manager,
Canara Bank,
M.V.K.Complex,
Thuraiyur Road,
Perambalur-621 212.

... Respondents in both Crl.O.Ps

PRAYER in Crl.O.P.No.23211 of 2024: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the second respondent bank to defreeze the petitioner's Savings Bank Account No.1214101073387 freezed on the basis of the FIR in Cr.No.47/2022 registered by the first respondent police.

PRAYER in Crl.O.P.No.23218 of 2024: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the second respondent bank to defreeze the petitioner's Savings Bank Account NRE (Non-Resident External) Account No.1214103058878 freezed on the basis of the FIR in Cr.No.47/2022 registered by the first respondent police.



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In both Crl.O.Ps

For Petitioner : Mr.C.Samivel
For R1 : Mr.R.Vinothraja
Government Advocate (Crl.side)
For R2 : Mr.R.Sreedhar

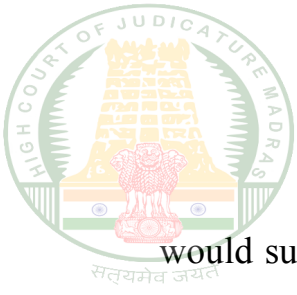
COMMON ORDER

These Criminal Original Petitions have been filed directing the second respondent bank to defreeze the petitioner's Savings Bank Account No.1214101073387 and Account No.1214103058878 freezed on the basis of the FIR in Cr.No.47/2022 registered by the first respondent police.

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

3. Pursuant to the registration of FIR in Crime No.47 of 2022, both the accounts have been frozen by the second respondent. Now, FIR in Crime No.47 of 2022 is closed as “Mistake of Fact”. Even then the second respondent did not permit the petitioner to operate the same.

4. On instructions, the learned counsel for the second respondent



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would submit that both the accounts of the petitioner have been frozen only on the request made by the petitioner's wife, who is a joint account holder and not permitted the petitioner to operate the accounts.

5. It is seen that there is a misunderstanding between the petitioner and his wife. Admittedly, both accounts in question are joint accounts held by the petitioner and his wife. Therefore, the directions sought for in these petitions cannot be granted. However, if the petitioner and his wife mutually agree to operate the accounts jointly, the second respondent is directed to permit them to operate the accounts. It is made clear that if any one of the accounts held solely in the name of the petitioner, there shall be no impediment arising from the objections raised by the petitioner's wife. In such a case, the second respondent is directed to permit the petitioner to operate the NRE Account, if it is held solely by the petitioner.



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6. Accordingly, these Criminal Original Petitions are dismissed.

06.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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To

1. The Inspector of Police,
AWPS - Perambalur Police Station,
Perambalur-621 212.
2. The Senior Manager,
Canara Bank,
M.V.K.Complex,
Thuraiyur Road,
Perambalur-621 212.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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