



W.P.(CrI.) No.283 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 12.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.(CrI.)No.283 of 2025

S.Sammeeth Usain

... Petitioner

Vs.

1. Reserve Bank of India,
Represented by its Governor,
Head Office at 16th Floor,
Central Office Building,
Shahid Bhagat Singh Road,
Mumbai – 400 001.
2. The Reserve Bank of India,
Represented by its Regional Director,
Fort Glacis, No.16, Rajaji Salai,
Chennai – 600 001.
3. South Indian Bank,
Represented by its Joint General Manager,
PB No.3868, 1084/1-5, Trichy Road,
Sungam, Coimbatore – 641 018.
4. The Branch Manager,
South Indian Bank,
D.No.21, Dharmapuri Main Road,
Omalur, Salem – 636 455.



W.P.(Crl.) No.283 of 2025

WEB COPY

5. 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 – 600 053.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 4th respondent to defreeze the petitioner's account bearing Account No.0601053000000029, IFSC Code SIBL0000601 to operate his account and permit to withdraw his entire amount of Rs.1,72,226/- except a lien over a sum of Rs.12,209/- based on his representation dated 11.03.2025.

For Petitioner	:	Mr.C.Rajaguru
For R5	:	Mr.K.M.D.Muhilan Additional Public Prosecutor
For R1 to R4	:	No appearance

ORDER

This writ petition has been filed to direct the 4th respondent to de-freeze the petitioner's account bearing Account No.0601053000000029, IFSC Code SIBL0000601 to operate his account and permit to withdraw his entire amount of Rs.1,72,226/- except a lien over a sum of Rs.12,209/- based on his representation dated 11.03.2025.



W.P.(Crl.) No.283 of 2025

WEB COPY

2.The petitioner maintains a SB Account bearing Account No.0601053000000029 with the 4th respondent Bank. The petitioner received an e-mail from the 3rd respondent Bank's Fraud Risk Management on 05.02.2025 stating the petitioner's SB account had been lien marked for an amount of Rs.12,209/- based on instructions from Gujarat Cyber Crime Police. Thereafter, when the petitioner attempted to access his account which has a balance of Rs.1,82,000/-, he came to know that his account was completely frozen. Hence, the petitioner sent representation to the respondents 3 and 4 for de-freezing the account. Since no action was taken, the present writ petition has been filed.

3.It is the grievance of the petitioner that his account was completely freezed without issuing any notice to him. The learned counsel for the petitioner would submit that, except the lien amount of Rs.12,209/-, the balance amount may be permitted to be operated with.

4.Heard the learned Additional Public Prosecutor and perused the materials available on record.



W.P.(CrI.) No.283 of 2025

WEB COPY

5.Freezing of Bank Accounts has been held to fall within the purview of Section 102 of Code of Criminal Procedure, since the Bank Account is treated to be a movable property. Where the Bank Account is freezed without notice to the concerned person and report is not immediately sent to the jurisdictional Magistrate Court, the freezing of Bank Accounts gets vitiated and the same requires the interference of the Court.

6.Useful reference can be made to the judgment of the Honourable Supreme Court in the case of ***State of Maharashtra Vs.Tapas D.Neogy*** reported in ***1997 (7) SCC Page 685***. This Court has also taken into account the above judgment of the Hon'ble Supreme Court in the case of ***T.Subbulakshmi and another vs. The Commissioner of Police, Chennai-8 and others*** reported in ***2016 (2) MWN (Cr.) 411***.

7.In the present case, there is no material to show that the Bank Account has been freezed after issuing notice to the petitioner and a report being submitted to the Magistrate. Therefore, the action on the part of the 4th respondent Bank in freezing the entire Bank account of the petitioner



W.P.(Crl.) No.283 of 2025

cannot be sustained in the eye of law.

WEB COPY

8. Therefore, it would be appropriate to de-freeze the account by keeping a lien over a sum of Rs.12,209/-. Accordingly, the 4th respondent Bank is directed to de-freeze the account of the petitioner keeping a lien over a sum of Rs.12,209/- and the petitioner is permitted to operate his Bank account, however, he shall ensure that his account shall always have a minimum balance of Rs.12,209/-.

9. With these directions, this writ petition is disposed of. No costs.

12.08.2025

mkn

Internet : Yes

Index : Yes / No

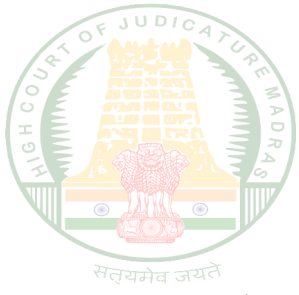
Speaking order : Yes / No

Neutral Citation : Yes / No

To

1. The Governor,
Reserve Bank of India,
Head Office at 16th Floor,
Central Office Building,
Shahid Bhagat Singh Road,
Mumbai – 400 001.

Page 5 of 7



W.P.(Crl.) No.283 of 2025

2. The Regional Director,
Reserve Bank of India,
Fort Glacis, No.16, Rajaji Salai,
Chennai – 600 001.
3. The General Manager,
South Indian Bank,
PB No.3868, 1084/1-5, Trichy Road,
Sungam, Coimbatore – 641 018.
4. The Branch Manager,
South Indian Bank,
D.No.21, Dharmapuri Main Road,
Omalur, Salem – 636 455.
5. 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 – 600 053.
6. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.(CrI.) No.283 of 2025

N. SATHISH KUMAR, J.

mkn

W.P.(CrI.)No.283 of 2025

12.08.2025