



W.P.No.29716 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 05.02.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29716 of 2022

A.S.Naveen Kumar

.. Petitioner

Versus

1. The Commissioner of Police,
Avadi, Chennai.

2. The Superintendent of Police,
Thiruvallur District.

3. The Inspector of Police,
District Crime Branch,
Thiruvallur District.

4. The Branch Manager,
City Union Bank,
No.436-B, T.H.Road,
Minjur Branch, Ponneri - 601 203.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari, to call for the records relating to the order passed by the 4th respondent vide order, dated 01.03.2022 on the strength of communication sent by the third respondent vide letter, dated



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01.02.2022 and quash the same.

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For Petitioner : Mr.M.Kempraj

For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader,
for RR-1 to 3

ORDER

This Writ Petition is filed to call for the records relating to the order passed by the fourth respondent, dated 01.03.2022 on the strength of the communication sent by the third respondent vide letter, dated 01.02.2023.

2. The brief factual background, in which the case arises, is that the petitioner is holder of the account No.512120020001801 in the fourth respondent bank. While so, from the status report, it can be seen that the third respondent was investigating the case in Crime No.26 of 2021 for alleged offences under Sections 420, 506(i) altered into Sections 406, 420 and 506(i) of the Indian Penal Code. As a part of the investigation, the present bank account was also frozen. When the offence relates to Sections



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420 and 406, the bank account was rightly frozen. However, it can be seen that now the investigation is complete and the matter is pending trial in C.C.No.364 of 2023 before the learned Judicial Magistrate No.I, Poonamallee.

3. It is also stated by the learned Counsel for the petitioner that the trial has commenced and as many as 9 witnesses were examined. Be that as it may, the account was frozen only to seize any money that was there in the account so that it can be paid out to the victims based on the ultimate orders of the Criminal Court. However, from the reply of the fourth respondent, it is seen that not only there is no money in the account, but, there is a debit balance of Rs.10,11,206.48 ps pursuant to the overdraft facility available to the petitioner.

4. In view thereof, no purpose will be served in continuing the order of freezing of the bank account. Therefore, there shall be a direction to the



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respondent Nos.2 and 3 to communicate the fourth respondent to de-freeze the bank account of the petitioner and the fourth respondent shall de-freeze the account of the petitioner.

5. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.02.2025

Neutral Citation : no
grs

To

1. The Commissioner of Police,
Avadi, Chennai.
2. The Superintendent of Police,
Thiruvallur District.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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