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Crl.O.P.No.26620 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.26620 of 2024

Mr.V.Balakrishnan, M/44,
S/o Venkatasamy,
NO.30C, 17th Street,
Nerkundram,
Chennai-600107.

... Petitioner

/versus/

1. The State, Rep by The Inspector of Police,
V-7-Nolambur Police Station,
Chennai-600 037.

2. The Branch Manager,
INDUSIND BANK,
No.1 & 3 Lakshmi Amman Street,
Ayyavu Naidu Colony,
Aminjikarai,
Chennai-600020.

3. The Branch Manager,
ICICI Bank Limited,
No.5/457, Valayapathi Salai Road,
Mogappair(E),
Chennai-600037.

4. M/s SAASTHA TRADING AND PROJECTS PVT LTD,
No. 132,VGP Nagar Main Road,
Mogappair East, Chennai-600037.

... Respondents

R3 & R4 impleaded as per the order in Crl.M.P.No.17696 of 2024 dated 06.02.2025



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Prayer: Criminal Original Petition is filed under Section 528 of BNSS.,
pleased to direct the respondents defreeze the account of the petitioner bearing
No.258610807446 maintained with the 2nd respondent bank.

For Petitioner : Mr.T.Arun Kumar,
For R1 : Mr.R.Vinothraja,
Government Advocate (Crl.Side)
For R2 : Ms.V.Akshay Samadaria

ORDER

This petition has been filed to direct the respondents defreeze the
account of the petitioner bearing No.258610807446 maintained with the 2nd
respondent bank.

2. The petitioner holds current account No.258610807446 with the
2nd respondent Bank. While being so, in the month of November 2023, the 2nd
respondent, without any prior notice, simply frozen the account of the
petitioner. Thereafter, the petitioner came to understand that on the complaint
lodged by the 3rd and 4th respondent, the 2nd respondent have frozen the account
of the petitioner alleging that the 4th respondent erroneously credited a sum of
Rs.10 lakhs to the petitioner's account through RTGS.

3. The learned Counsel for the 4th respondent submits that the 4th



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respondent had deposited a sum of Rs.33 lakhs in favour of the petitioner and three others for supply of fruits and after receipt of the entire amount, the petitioner and three others failed to supply fruits. Therefore, 4th respondent lodged a complaint before the 1st respondent and also requested the 3rd respondent to freeze the account of the petitioner which is laying with the 2nd respondent Bank. The 3rd and 4th respondents have no authority to freeze the account of the petitioner. Though, the 4th respondent lodged a complaint before the 1st respondent, so far, no F.I.R has been registered as against the petitioner and no request made by the 1st respondent to freeze the account of the petitioner.

4. The Learned Government Advocate for the 1st respondent submits that the 1st respondent never issued any request to the 2nd respondent to freeze the account of the petitioner and no enquiry conducted on the complaint or by the 4th respondent. Merely, on receipt of any complaint, the banker should not freeze the account of any account holder. Any authority like, police personal made any request, then the banker can freeze the account by following due process of law. In the case in hand, the Banker, namely 2nd respondent without following due process of law mechanically on receipt of the complaint from the 3rd respondent, frozen the account of the petitioner.



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5. In light of the above, the 2nd respondent, The Branch Manager of IndusInd Bank, Aminjikarai, Chennai, is directed to immediately unfreeze and allow the petitioner to operate the account.

6. With the above direction, this Criminal Original Petition is allowed.

06.02.2025

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

To,
1. The Inspector of Police, V-7-Nolambur Police Station, Chennai-600 037.
2. The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
bsm

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