



CrI.O.P.No.31098 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.31098 of 2024

1. Y Uma Maheswari
2. S.Yuvaraj

... Petitioners

Vs.

1. The State, represented by
The Inspector of Police, Team III
Central Crime Branch
Egmore, Chennai - 600 008

2. R.Kailash Kumar

3. The Branch Manager
Indian Bank, Kilpauk Branch
Chennai - 600 010

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to direct the 3rd respondent to defreeze the Banker's locker viz. Indian Bank Locker No.9911924387 and No.99115422660 at Kilpauk Branch, Chennai in the name of the petitioners, pending disposal of the CrI.O.P.

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For Petitioners	: Mrs.A.L.Gandhimathi Senior Counsel for Mr.L.Palani Muthu
For 1 st Respondent	: Mr.S.Sugendran Additional Public Prosecutor
For 2 nd Respondent	: Mr.T.Arockia Dass
For 3 rd Respondent	: Not ready in notice

ORDER

This Criminal Original Petition has been filed by the petitioners to direct the 3rd respondent to defreeze the Banker's locker viz. Indian Bank Locker No.9911924387 and No.99115422660 at Kilpauk Branch, Chennai in the name of the petitioners, pending disposal of the CrI.O.P.

2. The case of the petitioners is that the petitioners are accused in C.C.No.200 of 2018 on the file of the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, for the offence under Sections 406, 420 and 120B IPC read with Section 34 of IPC. Since the petitioners' bank accounts were freezed, earlier the 1st petitioner filed an application before this Court in



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CrI.O.P.No.17594 of 2023 to de-freeze the account and this Court by order

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dated 07.08.2023, disposed of the same leaving it open to the petitioners to move the appropriate application before the Court below seeking de-freezing of the bank accounts and also observed that the Court below shall keep in mind the direction given by this Court for the disposal of the main case within a period of four months. Immediately, the petitioners filed a petition in CrI.M.P.No.42865 of 2023 before the Court below praying for a direction to de-freeze the accounts. The said petition was dismissed by order dated 20.11.2023 stating that it has been informed by the prosecution that the investigation is going on relating to the accomplices of the petitioner and separate final report will be filed after the complete investigation and if the accounts are de-frozen, the petitioner will get away the money as well as properties from bank. Hence, the present petition is filed.

3. When the matter came up before this Court on 21.01.2025, this Court had directed the respondent police to file a status report regarding the



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investigation referred to in Paragraph No.6 of the order of the trial Court in

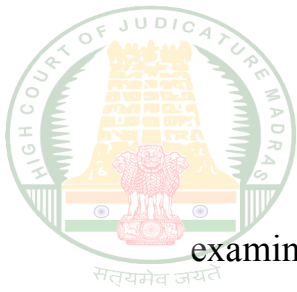
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CrI.M.P.No.42865 of 2023 dated 20.11.2023, wherein it has been stated as

follows:

6. It has been informed that investigation is going on regarding the accomplices of the petitioner and the separate final report will be filed after the complete investigation. On careful perusal, the submission of the petitioner/accused is not at all acceptable one. Further, the bank accounts are the evident of this case. If it is so, by defreezing the account, the petitioner will get away the money as well as properties from the banks. Hence, considering the nature of the offence, this court is not inclined to defreeze the bank accounts of the petitioner and the petition is not maintainable at this juncture.

4. Though this Court had pointed out the said paragraph and directed the respondent police to file a status report regarding the investigation referred to in the said paragraph, now the learned Additional Public Prosecutor submits that there is no further investigation and no separate final report is filed and that, in the trial in C.C.No.200 of 2018, most of the witnesses have been



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examined. Further, there is prima facie allegation against the petitioners about their involvement in this case.

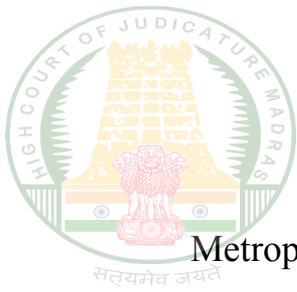
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5. The learned Senior Counsel appearing for the petitioners submitted that it is a matter of civil in nature between the petitioners and the defacto complainant. Therefore, the police have no authority to freeze the account which is no way connected with the present case. Now the case is pending trial. Therefore, the bank accounts may be de-frozen.

6. The learned counsel for the defacto complainant/2nd respondent submitted that the petitioners have been filing petitions after petition in order to stall the trial proceedings.

7. Heard both sides and perused the materials available on record.

8. It is seen that based on the complaint given by the 2nd respondent, the case in Crime No.99 of 2013 was registered by the 1st respondent police and after completion of investigation, the 1st respondent police filed the final report and the same has been taken on file in C.C.No.200 of 2018 by the



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Metropolitan Magistrate for Exclusive trial of CCB Cases (relating to cheating

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cases in Chennai) and CBCID Metro Cases, Egmore, Chennai. Totally 14 witnesses have been cited in the charge sheet and out the 14 witnesses, 8 witnesses have been examined so far. The present petition is filed by the petitioners to direct the 3rd respondent/Bank to de-freeze the bank account.

9. Whether the subject matter of freezed amount is involved in this case or not that can be decided only after trial and not at this stage. Now the trial is pending.

10. Therefore, the trial Court is directed to proceed with the case further in accordance with law and dispose of the same on merits and in accordance with law. With the above directions, this Criminal Original Petition is disposed of.

28.01.2025

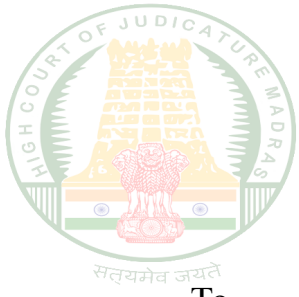
Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To
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1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases
(Relating to Cheating Cases in Chennai) and CBCID Metro Cases,
Egmore, Chennai
2. The Inspector of Police, Team III
Central Crime Branch
Egmore, Chennai - 600 008
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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