



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.10.2025

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.28018 & 25949 of 2025

Ramesh @ Mint Ramesh

...Petitioner in bth the Crl.O.P.s

Vs.

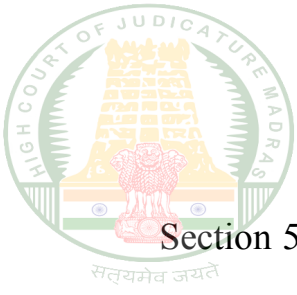
1. State rep.by
The Inspector of Police,
Puzhal Police Station,
Kolathur.

2. The Manager
Axis Bank,
Mogappair Branch,
Chennai District

... Respondents in both Crl.OPs

Prayer in Crl.OP.No.28018 of 2025: Criminal Original petition filed under Section 528 of BNSS to direct the 2nd respondent to defreeze the petitioner's bank account bearing No.924020024195640 maintained with Axis Bank India Limited, Mogappair Branch, Chennai

Prayer in Crl.OP.No.25949 of 2025: Criminal Original petition filed under



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Section 528 of BNSS to direct the 2nd respondent to defreeze the petitioner's bank account bearing No.923010067932749 maintained with Axis Bank India Limited, Mogappair Branch, Chennai and further direct the 1st respondent not to freeze any bank accounts of the petitioner in connection with FIR in Crime No.350 of 2025 pending on the file of the 1st respondent.

For Petitioner : Mr.Abudukumar Rajarathinam, Senior counsel for
Mr.S.Ashok Kumar

For Respondents : Mr.K.M.D.Muhilan for R1
Addl.Public Prosecutor

COMMON ORDER

Since the issue involved in these petitions are interlinked, they are taken uptogether and a common order is passed.

2. These Criminal Original Petitions have been filed to direct the 1st respondent to defreeze the bank accounts of the petitioner bearing Nos.924020024195640 and 923010067932749 maintained with Axis Bank India Limited, Mogappair Branch, Chennai.

2. These petitions have been filed challenging the freezing of the Bank Accounts of the petitioner maintained in the 2nd respondent Bank.



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3. The case of the petitioners is that the defacto complainant was engaged in the realestate business and purchased 90 cents of land belonging to his mother-in-law, situated adjacent to the Puthagaram bypass. The said land as plotted into sites and sold to about 50 purchasers, while 8 plots of 600 sq.ft., were retained. The petitioner along with his associates, threatened the defacto complainant on the pretext that he had sold poramboke land, forcibly taken 5 cents of land and sold to A.2 and the defacto complainant was taken to petitioner's office and subjected to assault and abusive language, therefore, an FIR came to be registered in Cr.No.350 of 2025 against the petitioner for an offence under Sections 131, 140(2), 189(4), 308(2), 336(2) and 351(3) BNSS Act. While so, without following any procedure, the 1st respondent has taken steps to freeze the Bank Accounts of the petitioner. Aggrieved by the same, the present petitions have been filed before this Court.

4. The learned counsel for the petitioner submitted that freezing of the Bank accounts by the respondent police is totally unwarranted and the same is violative of the mandatory requirements under Section 102 of Cr.P.C., / Section 107 of BNSS, 2023.



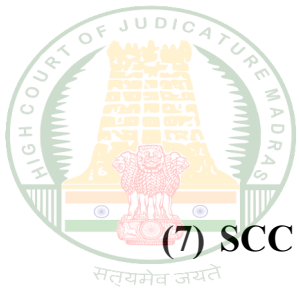
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5. The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that since investigation is pending, Bank accounts cannot be de-freezed at this point of time.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. Freezing of Bank Accounts has been held to fall within the purview of Section 102 of Code of Criminal Procedure / Section 107 of BNSS, 2023. Since the Bank Account is treated to be a movable property. Where the Bank Account is frozen 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.

8. 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**



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(7) SCC Page 685. This Court has also taken into account the judgment of this 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.**

9. In the present case, the Bank account has been freezed without notice to the petitioner and without a report submitted to the Magistrate. Therefore, the action on the part of the respondent police in freezing the Bank accounts maintained before the 2nd respondent Bank is completely vitiated and it is unsustainable in the eyes of law. Such view of the matter respondent police is directed to send a communication to the second respondent Bank to de-freeze the Bank accounts of the petitioner within a week from today i.e., 13.10.2025.

10. With the above direction, these Criminal Original Petitions are allowed.

13.10.2025

Index : Yes/No

Internet : Yes/No

Speaking/Non speaking order

ssd

To

1. The Inspector of Police, Puzhal Police Station, Kolathur
2. The Public Prosecutor High Court of Madras.



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N. SATHISH KUMAR,J.

ssd



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