



Crl.O.P.(MD)No.1144 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.1144 of 2025

Raja

.. Petitioner

Vs.

The Inspector of Police
Cyber Crime Police Station
Sivagangai

.. Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent to de-freeze the petitioner's cheated amount of Rs.5,96,262/- from the accused bank account and transfer the same to the account of the petitioner vide A/c No. 31874306579, State Bank of India as per order made in Crl.M.P.No.3780 of 2024 dated 11.06.2024 passed by the learned Judicial Magistrate No.II, Sivagangai.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mr.M.Sakthi Kumar
Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to defreeze the petitioner's cheated amount of Rs.5,96,262/- from the accused bank account and transfer the same to the account of the petitioner vide Account No.31874306579, State Bank of India as per the order made in Crl.M.P.No.3780 of 2024 passed by the learned Judicial Magistrate, Sivagangai.

2. The learned counsel appearing for the petitioner would submit that on 09.05.2024 one Jeyashree contacted the petitioner through Telegram handle for want of online Assistant Job and she offered job in the platform namely www.apples-vac.com. Initially she credited Rs.950/- to the petitioner's account for his completion of job and thereafter on the same day she contacted the petitioner and demanded Rs.10,000/- as deposit by giving false promise of job worth about Rs.20,000/- Believing the words, the petitioner deposited a sum of Rs.6,28,601/- on various dates in various account numbers. The accused repaid only a sum of Rs.32,399/- to the petitioner and thereafter continuously demanded to deposit further amount. Whiles, when the petitioner requested to return back his money they did not respond properly and therefore the petitioner was constrained



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to make a complaint through 1930 call. Based on that complaint received the respondent police registered a case in Crime No. 20 of 2024 for the offences under Sections 420 of IPC and Section 66(D) of Information Technology(Amendment) Act, 2000 as against Jayshreejay and five others. During enquiry the respondent police froze the amount of Rs.5,95,262/-. Therefore the petitioner filed an application before the learned Judicial Magistrate No.II , Sivagangai under Section 451 and 457 of Cr..P.C to defreeze the bank account and to reverse the funds deposited by his accounts. Thereafter the learned Magistrate has directed the petitioner to execute indemnity bond for Rs.6,00,000/- with one solvent surety with property tax receipt with condition to indemnifying the said amount against third party. Accordingly the petitioner executed the bond on 12.06.2024. Thereafter the petitioner approached the respondent police on various occasions but the respondent failed to comply with the order of the learned Magistrate, therefore he has filed the present petition.

3. The learned Government Advocate(Crl.side) appearing for the respondent police would submit that based on the complaint given by the petitioner a case has been registered in Crime No. 20 of 2024 for the offences under Sections 420 of IPC and Section 66(D) of Information



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Technology (Amendment) Act, 2000 as against Jayshreejay and five others. During enquiry they freezed the petitioner's amount of Rs.5,96,262/- and therefore the petitioner has approached the learned Judicial Magistrate No.II, Sivagangai to defreeze the account and the learned Magistrate also directed the respondent to defreeze the account of the accused and transfer the amount to the petitioner's account. The petitioner also executed indemnity bond before the trial Court and out of the amount freezed by the respondent from the SBI, Govindapuram Branch they transferred a sum of Rs.20,000/- to the petitioner's bank account and thereafter Rs.1,54,482/- was also transferred from the bank to the petitioner's bank account. The IndusInd bank limited in Kerala written a letter to the respondent police stating that in the accounts of the accused only Rs.16,000/- was alone available instead of Rs.50,000/- and therefore transferred Rs.16,000/- to the petitioner's bank account. For the remaining amount the respondents are taking steps. Regarding Rs.65,280/- they have not received any message from SBI Evershine Branch, Mumbai, Maharashtra. Regarding Rs.3,00,000/ they have not received any message from the Bank. Earnest steps are being taken to get back that amount. Therefore the respondent police is also taking steps to execute the order of the learned Judicial Magistrate No.II, Sivagangai. The bank officials are



not co-operating. Further on receipt of information from the bank officials they will act further in accordance with law,

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

5. According to the petitioner his money around Rs. 5,96,262/- was cheated by the accused and thereby he had lodged a complaint before the respondent police and they also registered a case in Crime No. 20 of 2024 for the offences under Sections 420 of IPC and Section 66(D) of Information Technology(Amendment) Act, 2000 as against Jayshreejay and five others. During investigation they also freezed a sum of Rs. 5,96,262/- from various banks and thereafter the petitioner filed a petition to defreeze the amount and sent the amount to the petitioner's account and the learned Magistrate also allowed the petition. Further the respondent police are taking steps to transfer the amount. As per the respondent they have transferred a sum of Rs.1,74,482/- and for the remaining amount they are taking steps for which there is no reply from the concerned bank. The order of the court has been partly complied with and the respondent police are taking steps to execute the order of the learned Magistrate.



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6. Recording the submission made by the learned Government Advocate(Crl.side) that the respondent police are taking steps to recover the money and they will execute the order passed by the learned Magistrate this Criminal Original Petition stands disposed of with a direction to the respondent police to comply with the order passed by the learned Judicial Magistrate No.II, Sivagangai as early as possible.

18.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Inspector of Police
Cyber Crime Police Station
Sivagangai
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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