BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.4644 of 2025

Thomas Ebenezer ... Petitioner

Vs.

1. The Inspector of Police
   Cyber Crime
   Tiruchirapalli District
   Tamil Nadu

2. The Branch Manager
   HDFC Bank
   West Boulevard Road Branch
   Tiruchirapalli ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Mandamus directing the respondents to de-freeze the petitioner`s account No.2616 1000 00 3948 with the second respondent bank on the basis of the representation given by the petitioner dated 28.01.2025

For Petitioner	: Mr.R.Harinath
For Respondents No.1	: Mr. M.Sakthi Kumar Government Advocate(Crl.Side)

No.2 :Mr.Sevvanan Mohan

ORDER

This Writ Petition has been filed by the petitioner to direct the respondents to de-freeze the petitioner`s account No.2616 1000 00 3948 with the second respondent bank on the basis of the representation given by the petitioner dated 28.01.2025

2. The learned counsel appearing for the petitioner would submit that the petitioner is the account holder in the second respondent bank with account No.2616 1000 00 3948. The petitioner received information through whatsapp to join a free stock investment training program in the name of Tata Investment Club and he also joined the group inorder to get training and education and as per the information he downloaded the information from google play store with name Bulk Angel Pro and the petitioner transferred a sum of Rs.4,50,000/- towards investment to the bank accounts. When the petitioner suspected the above said group and withdrawn the amount and he decided to stop further process and requested for withdrawal of money. Thereafter he received a sum of Rs.3,50,000/- on 22.04.2024 in petitioner's bank

account from star traders. Thereafter on 18.09.2024 when the petitioner issued cheque for a sum of Rs.56,000/- the same was returned as account blocked. At that point of time the bank balance of the petitioner was Rs.18,63,712.31 but unfortunately the cheque was dishonoured. Immediately he approached the bank officials but he was unable to transact with the same. The second respondent did not given any clear reason for the blocking or freezing the account. Thereafter he came to know the person involved in the fraudulent scam who received Rs.4,50,000/-from the petitioner who had returned Rs.3,50,000/- on 22.04.2024from one Star Traders, the real culprit. The petitioner came to know about the said person. The petitioner had invested a sum of Rs.4,50,000/-and got only Rs.3,50,000/- returned from the fraudster . The petitioner has lost Rs.1,00,000/-. Therefore the petitioner may be permitted to operate the account and the account has to be defreezed.

3. The learned counsel appearing for the second respondent would submit that based on the request made by the first respondent they freezed the account. Therefore if the Court passes order then they will execute the order of the Court.

4. The learned Government Advocate(Crl.side) appearing for the first respondent would submit that in the petitioner's account suspicious amount has been credited for a sum of Rs.3,50,000/- which indulged in cyber fraud and thereby they sent a request to the second respondent for freezing the account, therefore the petition is liable to be dismissed.

5. Heard both sides and persued the materials available on record.

6. There is no dispute that the petitioner has account with the second respondent bank in account no.2616 1000 00 3948 and a sum of Rs.3,50,000/-was credited through Star traders. According to the first respondent star traders indulged in cyber crime frauds and thereby they made request to the second respondent and based on the same the second respondent bank freezed the account and no any case registered so for and simply based on the request of the first respondent the second respondent freezed the account.

7. At this juncture the learned counsel appearing for the petitioner relied on the judgment passed by this Court in the case of ***Celus .vs. The Bank Manager, Canara Bank, Thiyagaraja Nagar Branch, Tirunelveli*** in ***WP(MD)8915 of 2024***, wherein it is held as follows:

> " *6.I conclude that the suspicious transaction is only to the tune of Rs.23,500/-. The first respondent will mark a lean over the said amount. In other words, the petitioner will not be allowed to withdraw the said amount till the issue is decided. Subject to the aforesaid restraint, the petitioner is permitted to operate the petition mentioned account".*

8. In view of the same, in this case also the disputed amount of Rs.3,50,000/- alone can be kept as lien over the said amount till the issue is decided. The petitioner can be permitted to operate the account for the remaining amount. Therefore the second respondent bank is directed to defreeze the account of the petitioner forthwith and a sum of Rs. 3,50,000/- is alone kept a lien, i.e the petitioner has to keep the minimum balance of Rs.3,50,000/- in his account.

9. With the above direction, the Writ Petition stands disposed of. No costs.

08.04.2025

NCC : Yes / No
Index : Yes / No
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To

1. The Inspector of Police
   Cyber Crime
   Tiruchirapalli District
   Tamil Nadu

2. The Branch Manager
   HDFC Bank
   West Boulevard Road Branch
   Tiruchirapalli

3.The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.

P.DHANABAL, J.

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