



CRL OP(MD). No.6180 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06/11/2025

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

CRL OP(MD). No.6180 of 2025

R. Dhavapriya

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
B-4, Kottampatti Police Station,
Madurai District.

2. The Branch Manager,
Canara Bank,
Melur Branch,
Madurai District.

3. The Branch Manager,
Indian Bank,
Melur Branch, Madurai District.

4. The Branch Manager,
MDCC Bank,
Keelaiyur Branch, Madurai District.

5. The Branch Manager,
KVB-Bank, Melur Branch,
Madurai District.

6. The Branch Manager,
Indian Overseas Bank,

1/6



CRL OP(MD). No.6180 of 2025

Melur Branch, Madurai District.

... Respondents

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PRAYER :- This Criminal Original Petition is filed under Section 528 BNSS, to call for the records pursuant to the proceedings of the first Respondent Notice dated 11.03.2025 issued under Section 106 of BNSS quash the same as illegal and consequently direction, direct the Respondents No.2 to 6 to de-freeze the Petitioner's bank accounts.

For Petitioner : Mr.M.Iniyavan
Advocate.

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed challenging the notice issued by the first respondent dated 11.03.2025 under Section 106 of BNSS, freezing the petitioner's account in connection with Crime No. 11 of 2025 for the offences under Section 8(c), 20(b)(ii)(c) and 29(1) of NDPS Act, in which the petitioner's brother-in-law is an accused.

2.The learned counsel for the petitioner would submit that the impugned action by the first respondent is in violation of Section 106 BNSS (corresponding to Section 102 Cr.P.C.), in as much as the first respondent has not stated as to what is the money that was ill-gotten by



CRL OP(MD). No.6180 of 2025

the petitioner's brother-in-law and transferred to the petitioner's account and that in any case, the conditions for invoking Section 106 of BNSS have not been satisfied. The learned counsel, in support of his contentions, relied upon the order of this Court in W.P(MD) Nos.500 to 502 of 2025 [*Vaidhehi Vs The Deputy Superintendent of Police, Thiruppathur* decided on 17.09.2025].

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the respondent police has seized the money lying in the bank account of the petitioner in accordance with Section 106 of BNSS.

4. In view of the rival contentions, this Court is of the view that it is desirable that the petitioner files an application before the trial Court for de-freezing of the account. It is needless to say that if the amount lying in the account of the petitioner does not satisfy the twin conditions in Section 106 of BNSS, the learned Magistrate may de-freeze the account. This Court, in *Vaidhehi's case* [cited supra] has held as to when Section 106 of the BNSS can be invoked.



CRL OP(MD). No.6180 of 2025

WEB COPY

5. The learned Magistrate may therefore decide the matter in the light of the observations in the aforesaid order and pass appropriate orders within a period of four weeks from the date of filing of the petition by the petitioner.

6. With the above observations, this Criminal Original Petition is disposed of. No costs.

06.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
cp/ars



CRL OP(MD). No.6180 of 2025

TO

1. The Inspector of Police,
B-4, Kottampatti Police Station,
Madurai District.

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



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CRL OP(MD). No.6180 of 2025

SUNDER MOHAN,J

cp/ars

ORDER
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Date : 06/11/2025