



W.P(MD)No.16078 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2025

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.16078 of 2023

Chrisbin Jeeva

... Petitioner

Vs

1. The Inspector of Police,
Nalasopra Police Station,
Mira-Bhyndhar-Vasai-Virar Police Commissioner Office,
Palghar District,
Maharashtra.

2. The Branch Manager,
Icici Bank, Nagercoil Branch,
149, Cape Road,
Kottar, Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to allow the second respondent to defreeze the current account vide Account Number 609505027864, of the petitioner in the 2nd respondent bank.



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For Petitioner : Mr.Perumal.C.T,

For R1 : Mr.S.Ravi
Additional Public Prosecutor

For R2 : Mr.V.Veera Pandian
For M/s.Vast Law Associates

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing to defreeze the bank account maintained by the petitioner in the second respondent bank and to permit the petitioner to operate the bank account.

2.When the matter came up for hearing on 09.12.2024, this Court passed the following order:

"The learned counsel appearing for the second respondent bank seeks for sometime to file typed set of papers and memo of calculation in order to enable this Court to ascertain the communication that has been received by the second respondent from various police authorities in different States and see if that amount can be kept apart and the petitioner can be permitted to operate his bank account.

2.Post this case on 16.12.2024."



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3.Pursuant to the above order, the matter was listed for hearing today. A memorandum has been filed by the second respondent Bank and the same is extracted hereunder:

"1.It is submitted that the various law enforcing authorities and National Cyber Crime Portal - Ministry of Home Affairs had marked lien over 13 disputed/illegal transactions in the account of the writ petitioner. The details are as follows:

<i>Serial #</i>	<i>Date</i>	<i>Amount</i>
<i>1</i>	<i>19.11.2022</i>	<i>Rs.60,000/-</i>
<i>2</i>	<i>20.10.2022</i>	<i>Rs.30,000/-</i>
<i>3</i>	<i>20.10.2022</i>	<i>Rs.25,000/-</i>
<i>4</i>	<i>09.11.2022</i>	<i>Rs.16,118/-</i>
<i>5</i>	<i>11.10.2022</i>	<i>Rs.6,500/-</i>
<i>6</i>	<i>12.10.2022</i>	<i>Rs.3,848/-</i>
<i>7</i>	<i>11.10.2022</i>	<i>Rs.12,812/-</i>
<i>8</i>	<i>20.10.2022</i>	<i>Rs.200/-</i>
<i>9</i>	<i>09.12.2022</i>	<i>Rs.29,800/-</i>
<i>10</i>	<i>04.11.2022</i>	<i>Rs.19,69,821/-</i>
<i>11</i>	<i>19.10.2022</i>	<i>Rs.1000/-</i>
<i>12</i>	<i>11.10.2022</i>	<i>Rs.15,753/-</i>
<i>13</i>	<i>20.10.2022</i>	<i>Rs.25,000/-</i>
<i>Total</i>		<i>Rs.21,95,852/-</i>

2. It is submitted that as per the guidelines of National Cyber Crime Portal - Ministry of Home Affairs and Reserve Bank of India pertaining to disputed/illegal transactions, as a precautionary measure of the bank more than 3 transactions if any fraudulent credit reported by law



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enforcement authority and National Cyber Crime Portal, the respective beneficiary account will be marked total freeze on the interest of the victims.

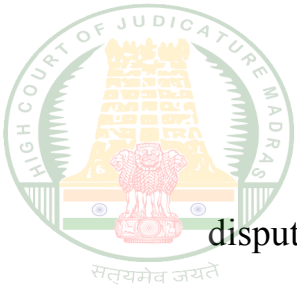
3. It is submitted that in so far as the account of the Writ Petitioner is concerned there are about 13 transactions were identified and lien has been marked by the investigating authority through National Cyber Crime Portal - Ministry of Home Affairs. Therefore, the account of the Writ Petitioner was in total freeze for all transactions.

4. It is submitted that apart from 13 lien marked through National Cyber Crime Portal, the respondent #2 also received communication from CEN Police Station, West Division, Bengaluru in Reference#: Cr No-1055/22 u/s 66 (C), 66(d) of IT Act and 419,420 IPC dated 02.11.2022 and CEN Police Station, South Division, Bengaluru in Reference#: CR No.293/2023 U/S 66 (C) 66 (D) IT ACT 2000 and 23.11.2024 for debit freeze for sum of Rs. 19,69,821/- and Rs.32,000/- respectively."

4. Along with the above memorandum, typed set of papers has already been filed along with the relevant documents.

5. Heard the learned Counsel appearing on either side.

6. In the considered view of this Court, the second respondent Bank has received instructions from law enforcing authority and national cyber crime portal and accordingly the Bank has marked lien over 13



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disputed/illegal transactions in the account of the petitioner. The Reserve Bank of India has issued guidelines to the effect that wherever such disputed/illegal transactions is marked for more than three transactions, the entire account has to be kept in total freeze. In view of the same, the second respondent Bank has no other alternative except to keep the Bank account of the writ petitioner in total freeze.

7.It is also seen from the records that apart from 13 lien marked pertaining to disputed/illegal transactions, the second respondent has also received further communication from the various police stations from Bangalore to freeze the bank account pertaining to two transactions for a sum of Rs.19,69,821/- and Rs.32,000/- respectively.

8.The learned Counsel for the second respondent Bank submitted that what is available in the bank account of the petitioner is only a sum of Rs.3,95,348/-. Hence it is clear that this amount can never satisfy the number of liens that have now been marked by the second respondent Bank. That apart, the second respondent Bank cannot permit the petitioner to operate the bank account in view of the guidelines issued by the Reserve Bank of India and hence the second respondent has to



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necessarily keep the bank account of the writ petitioner in total freeze.

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9.In the light of the above discussion, the relief sought for by the writ petitioner cannot be granted. Accordingly, this writ petition stands dismissed.

21.01.2025

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

LR

To

1. The Inspector of Police,
Nalasopra Police Station,
Mira-Bhyndhar-Vasai-Virar Police Commissioner Office,
Palghar District,
Maharashtra.

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



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N.ANAND VENKATESH, J.

LR

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