



Crl.O.P.(MD)No.20093 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.20093 of 2024

A.Manikandan

.. Petitioner

Vs.

**1. The Inspector of Police
K.K.Nagar Police Station
Trichy City**

**2. The Bank Manager
Indian Overseas Bank
Chepauk Branch
Chennai**

**3. The Bank Manager
Punjab National Bank
Saligramam Branch
Chennai**

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS,
to direct the respondents to defreeze the bearing account No.
179101000005738 maintained in the Indian Overseas Bank, Chepauk
Branch, Chennai in accordance with Crime No. 264 of 2024 on the file of
the first respondent and consequently transfer the amount to the
petitioner's bank account.



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For Petitioner : Mr.M.Anbarasan
For Respondents : Mr.M.Sakthi Kumar
No.1 Government Advocate(Crl.Side)
No.2 No appearance
No.3 : Mr.J.Arun Prasad

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the respondents to defreeze the bearing account No. 179101000005738 maintained in the Indian Overseas Bank, Chepauk Branch, Chennai in accordance with Crime No. 264 of 2024 on the file of the first respondent and consequently transfer the amount to the petitioner's bank account.

2. The learned counsel appearing for the petitioner would submit that on 14.07.2024 at about 10.00 a.m., A1 and A2 who introduced the petitioner over phone and came to M/s.OM Enterprises at Mahalakshmi Nagar, Thendral Nagar, K.K. Nagar Post, Trichy- 620021 and spoke to him regarding lands in Keeranur and thereby they locked the petitioner and took money from him through ATM card and phone got signature of blank RTGS forms They also taken a sum of Rs.3,60,000/- through the mobile and ATM card and Rs.12,40,000/- through Axis Bank Cheque



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leaves. They transferred a portion of amount of Rs.10,00,000/- to Indian Overseas Bank, Chepauk Branch, Chennai and remaining amount of Rs.2,40,000/- to Punjab National Bank, Saligram Branch, Chennai and thereafter dropped him at Guntur, Trichy and escaped. The petitioner lodged a complaint on 15.07.2024 at K.K. Nagar Police Station and police registered the complaint and issued CSR number. Thereafter he was unable to attend for enquiry due to mental suffering and thereafter he came to know the said persons involved in criminal activities and one Raja, Sarkuni Village, Devakottai and Lingam and they committed the said act as instructed by A3, Radhakrishnan of EB Colony, Thanjavur. Thereafter the petitioner sent a complaint on 27.07.2024 and First Information Report came to be registered in Crime No.262 of 2024 for the offences under Sections 127(2) and 308(3) of BNS and the case is under investigation. During investigation the respondent police intimated the Indian Overseas Bank to freeze the bank account of the accused and the same was also frozen and a sum of Rs.9,40,000/- is available in the bank account of the petitioner. Therefore he is unable to recover the said amount. Hence he has filed this petition to defreeze the account and direct the respondent bank to transfer the amount from the account of the second respondent to the petitioner's account.



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3. The learned Government Advocate(Crl.Side) appearing for the first respondent would submit that based on the complaint lodged by the petitioner they registered a case in Crime No.262 of 2024 for the offences under Sections 127(2) and 308(3) of BNS and the same is under investigation,. During investigation they requested the respondents 2 and 3 to freeze the account and they have also frozen the account of the accused. Now a sum of Rs.9,40,000/- is lying in the account of the second respondent. Therefore they have sent a request to the freeze the account and based on the letter the second respondent had frozen the account. Further the petitioner has not approached the trial Court where the First Information Report is pending but he has straight away approached this Court, therefore the petition is liable to be dismissed.

4. There is no representation on behalf of the second respondent.

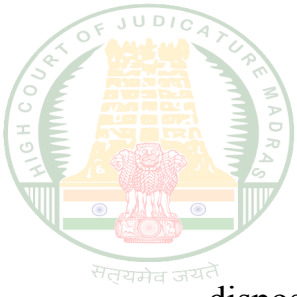
5. The learned counsel appearing for the third respondent would submit that the petitioner has not approached the trial Court by filing appropriate petition for return of money and as against the third respondent no any prayer sought for and only sought for relief in respect



of second respondent. The petitioner has not sent any particulars about the transfer of amount and account name, therefore the petitioner is liable to be dismissed as against this respondent.

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

7. It is admitted fact that based that based on the complaint lodged by the petitioner a case has been registered in Crime No.262 of 2024 for the offences under Sections 127(2) and 308(3) of BNS against the accused persons and now the case is under investigation. During investigation the first respondent police has sent a request to the respondents 2 and 3 to freeze the account the same was also frozen. While so, the petitioner filed this petition to direct the first respondent to defreeze the account and transfer the amount from the account of the accused to the petitioner's account. Now the First Information Report is under investigation. At this stage the petitioner without approaching the trial Court by filing appropriate petition for return of property approached this Court and this Court at this stage cannot pass any order. Therefore the petitioner has to approach the trial Court for appropriate remedy in accordance with law.



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8. With the above direction, the Criminal Original Petition stands disposed of preserving the liberty of the petitioner to approach the trial Court for appropriate relief in accordance with law.

15.04.2025

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

1. The Inspector of Police
K.K.Nagar Police Station
Trichy City
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL,J.

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