



W.P.(MD)No.29876 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.29876 of 2024

Vettaikaruppasamy

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.

2.The Inspector of Police,
Kottaipattinam Police Station,
Pudukkottai.

3.The Sub Inspector of Police,
Jegathapattinam Police Station,
Pudukkottai.

4.The Branch Manager,
Union Bank of India,
1146, Avudaiyarkoil Road,
Kottaipattinam,
Pudukkottai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 3 and 4 to unfreeze the petitioner's bank A/c.No.520101043125197 by considering the petitioner's representation dated 10.10.2024.

For Petitioner : Mr.T.Leninkumar

For Respondents 1 to 3 : Mr.K.Gnanasekaran
Government Advocate (Crl.)

For 4th Respondent : Mr.C.Karthik



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ORDER

This Writ Petition is filed, seeking to direct the respondents 3 and 4 to defreeze the petitioner's bank A/c.No.520101043125197, by considering his representation dated 10.10.2024.

2.Heard the learned counsels on either side and carefully perused the entire materials available on record.

3.The petitioner is maintaining a savings bank account in A/c.No. 520101043125197 in the fourth respondent bank. He has availed a jewelry loan in A/c.No.654-10749. However, it is brought to knowledge of the petitioner that on the intimation received by the fourth respondent bank from the second respondent, the fourth respondent bank has freezed the savings accounts of the petitioner bearing A/c.No.520101043125197 and the connected gold loan account bearing No.654-10749.

4.When the matter came up for hearing, the learned Government Advocate appearing for the respondents 1 to 3 vehemently submitted that the petitioner is implicated as accused in three criminal cases in Crime Nos. 124 of 2021, 469 of 2020 and 385 of 2020, which would prove his involvement in certain offenses. Only in view of the same, on the intimation of the second respondent, the fourth respondent bank has freezed the petitioner's account.



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5.However, this Court is of the considered view that the registration of a criminal case as against the petitioner is completely a different exercise, which is registered at the instance of the second respondent police and the registration of the criminal case, which is not an economic offence or a cyber crime involving financial implication would not empower the respondent police to require the bank in which the petitioner is maintaining account to freeze the same. Freezing the account of the petitioner citing his implication in certain criminal cases would amount to violation of his right to property, more particularly, his right to maintain an account in a bank.

6.With such observation, this Court hereby direct the fourth respondent Bank to defreeze the petitioner's account bearing A/c.No. 520101043125197, considering his representation dated 10.10.2024 and the Bank is further directed to permit the petitioner to redeem the jewelry on disbursement of the jewelry loan availed by him.

7.In view of the above, the Writ Petition is disposed of. No costs.

23.01.2025

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



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To

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L.VICTORIA GOWRI, J.

Mrn

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