



WP CRL.(MD). No.1666 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23/10/2025

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

WP CRL.(MD). No.1666 of 2025

and

W.M.P(MD).Nos.399, 400 and 401 of 2025

Karthikeyan Manikandan

... Petitioner

Vs

**1. The Branch Manager,
ICICI Bank Limited,
40, Bazullah Road,
T.Nagar,
Chennai-600 017..**

**2. The State of Tamil Nadu represented by
The Inspector of Police,
Central Crime Branch,
(Cr. No. 10 of 2025)
Trichy City..**

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records related to the impugned communication of the first respondent bank dated 19/09/2025 and quash the same and consequently



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direct the first respondent to de-freeze the petitioner's Savings Account Number bearing: 602601553511 (IFSC Code: ICICI0006020) maintained in the first respondent -ICICI Bank and allow free operation of the said Bank account by the petitioner.

For Petitioner : Mr.N.Dilipkumar,
For R1 : Mr.S.Krishna
For R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

The petition is for Writ of Certiorarified Mandamus calling for the records relating to the impugned communication of the first respondent bank dated 19/09/2025 and quash the same and consequently direct the first respondent to de-freeze the petitioner's Savings Bank bearing Account No. 602601553511 (IFSC Code: ICICI0006020) maintained by the first respondent -ICICI Bank.

2. It is the case of the petitioner that the account mentioned above was frozen by the first respondent, at the instance of the second respondent; that he had been operating the said account from 2019; that all of a sudden, the bank informed that the transactions have been



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blocked; that he came to know that the said intimation was sent by the second respondent during the investigation in Crime No.10 of 2025, which was registered for the offences under Sections, 406, 420 of IPC and Section 24 of the Maintenance and Welfare of parents and Senior Citizens Act, 2007 and that the respondents have no jurisdiction to freeze the account under Section 102 Cr.P.C (Corresponding to 106 of BNS).

3. The learned counsel would submit that the amount lying in the bank account cannot be said to be stolen property or creating suspicion of Commission of any offence; that even if the respondents are of the view that the amount lying in the bank has to be safeguard to protect the interest of the defacto complainant, the respondents can only seek attachment the property under Section 107 of BNS and that therefore, the impugned communication is liable to be set aside. The learned counsel relied upon the judgment of this Court in ***W.P.Crl.(MD).No.500 to 502 of 2025*** dated ***17.09.2025*** in support of his submission.

4. The learned counsel for the second respondent would submit that the petitioner has cheated his own mother and misappropriated a sum



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of Rs.30 Crores by selling a property which jointly belongs to his mother and other siblings and misappropriated the entire sale consideration and that the interest of the defacto complainant and other siblings of the petitioner has to be safeguarded and hence, the impugned communication was sent to the first respondent and that the impugned communication is therefore not liable to be quashed and sought for dismissal of this petition.

5. The learned counsel for the first respondent would submit that the account was frozen only at the instance of the second respondent and they are only formal parties.

6. To a specific question as to what is the amount lying in the account that is now frozen, the learned counsel for the petitioner as well as the learned Additional Public Prosecutor would submit that a sum of Rs.1,00,000/- is lying in the account.

7. It is the case of the prosecution that after receiving the money, the petitioner had purchased the property and that the account itself was



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opened only to misappropriate the money received as sale consideration.

It is also the case of prosecution that an income tax notice has already been issued to the said account.

8. This Court is of the view that the account cannot be frozen only to safeguard the interest of the defacto complainant. The Honourable Supreme Court has held that Section 102 of Cr.P.C., is not an enabling provision, to aid the Police officer to seize the property to do justice and to hand over the property to a person, whom, the Police Officer feels is the rightful and true owners. If the police Officer is on the view that the property said to have been acquired by cheating or misappropriation has to be safeguarded, he has to invoke Section 107 of BNSS for attachment and forfeiture or for other such remedies. The respondents have not chosen to invoke 107 of BNSS. In similar circumstances, this Court in ***W.P.Crl.(MD).Nos. 500 to 502 of 2025*** in the case of ***Vaidhehi Vs. The Deputy Superintendent of Police and two others*** has held as follows:

" 12. Therefore, Section 102 of Cr.P.C. is not an enabling provision, by which, the Police officer acts to seize the property to do justice and to hand over the property to a person, whom, the Police Officer feels is the rightful and true



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owner as observed by the Hon'ble Supreme Court in the judgments extracted above.

15. The second condition for invoking Section 102 Cr.P.C. is that the property must create a suspicion of commission of an offence. In other words, the Commission of the offence must have been detected on the recovery of the property. It is not so in this case. The amounts lying in the petitioner's accounts does not by itself create a suspicion of commission of any offence as even according to the prosecution, the petitioner's husband had a quarry license and had a thriving business. The respondents have detected the offence of excess mining during the course of their investigation in a relating to the death of workers. Thereafter on the presumption that the ill gotten money due to excess mining had been deposited into the accounts of the petitioner, they had chosen to instruct the Banks to freeze the accounts. Section 102 Cr.P.C. is not meant for such an action. The purpose and object of Section 102 Cr.P.C. is to help and assist investigation to enable the Police Officer to collect and collate evidence to prove the offence. The amounts lying in the Bank accounts of the petitioner would not in any manner be evidence to prove the offence. The amounts lying in the Bank accounts, at best, would enable the Government to recover the money, if ultimately, it is



found that the petitioner's husband has committed any offence. For that purpose, attachment is the only option.

16. Therefore, this Court is of the view that the action of the second respondent in instructing the third respondent in all cases to freeze the Bank accounts by invoking the power under Section 106 of BNSS cannot be sustained. If the respondents are of the view that the proceeds of the crime have to be protected, if ultimately, the Court holds that the petitioner or her husband had ill gotten money, the only remedy available to the respondents is to invoke Section 107 BNSS, 2023 for attachment, forfeiture, etc. In fact, there was no similar provision in the Code of Criminal Procedure, 1973. Prior to BNSS, the Police had to resort to Criminal Law (Amendment) Ordinance, 1944, to seek attachment. However, in view of Section 107 of BNSS, the second respondent is entitled to make an application by following the procedure prescribed under Section 107(1) of BNSS before the Magistrate concerned and seek appropriate orders for attachment, forfeiture or for other such remedies. Therefore, the impugned communication are liable to be set aside.



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9. Therefore, this Court is of the view that neither of the two conditions required to invoke the power under Section 102 of Cr.P.C is found in this case as would be seen from the submission made by the second respondent that the account was instructed to be frozen only to protect the interest of the defacto complainant. As stated above, the power under Section 102 of Cr.P.C cannot be excised for such purpose. The respondents shall be at liberty to seek remedy orders under Section 107 of BNSS for attachment etc., Hence the impugned communication dated 19.09.2025 is liable to be set aside.

10. With the above observations, the impugned communication, dated 19.09.2025 is set aside and this Writ Petition is allowed. Consequently, connected miscellaneous petitions are closed. No costs.

23.10.2025

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

1. The Inspector of Police,
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Trichy City.
2. The Branch Manager,
ICICI Bank Limited,
40, Bazullah Road,
T.Nagar,
Chennai-600 017..
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN,J

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**ORDER
IN
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Date : 23/10/2025