



W.P.(MD)No.2351 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.(MD) No.2351 of 2025

N.Panneerselvam

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch, Pudukkottai District.

2.The Branch Manager,
ICICI Bank, Alangudi Branch,
Ground Floor No.71/1, Kalaignar Salai,
Alangudi, Pudukkottai District.

...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 take necessary steps to defreeze the petitioner's savings bank account No. 604401004812 maintained with the second respondent which has been put on hold so as to enable the petitioner to operate the petitioner's account and for other reliefs.

For Petitioner : Mr.J.Lawrance

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R2 : No appearance



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ORDER

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The petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus to direct the first respondent to defreeze his Savings Bank Account No.604401004812 maintained with the second respondent, which has been put on hold pursuant to the instructions of the first respondent.

2. The learned counsel for the petitioner submitted that the action of the first respondent in directing the second respondent to prevent the petitioner from operating the account is illegal, since the freezing of the account has not been intimated to the learned Magistrate, as mandated under Section 102(3) Cr.P.C.

3. He further submitted that the first respondent had taken similar action earlier in respect of another account maintained by the petitioner in a different bank. This Court, in W.P.(MD) No.30925 of 2023, held that the freezing of the petitioner's bank account therein was illegal and directed defreezing of the same. Hence, a similar order may be passed in this case also.

4. The learned Additional Public Prosecutor, per contra, submitted that in the present case, the respondents had duly intimated the learned Magistrate



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regarding the freezing of the petitioner's accounts. In fact, in respect of both the present account as well as the account maintained with the State Bank of India, the respondents filed a requisition before the learned Magistrate seeking permission for freezing, and the learned Magistrate permitted the same.

5. The learned counsel for the petitioner, however, contended that no intimation of such proceedings has been noticed to the petitioner and that the respondents' action remains illegal.

6. This Court is of the considered view that there are disputed questions of fact involved in this case which cannot be adjudicated in a writ proceeding. However, it is needless to state that, if the petitioner's rights have been violated, it is always open to him to file a suitable application before the learned Judicial Magistrate, including raising the contention that immediate intimation under Section 102(3) Cr.P.C. has not been given. The learned Magistrate shall consider such application, if filed, in accordance with law, ascertain whether there has been any violation of the mandatory procedure by the respondents in freezing the petitioner's account, and pass appropriate orders within a period of four weeks from the date of filing of such application.



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03.09.2025

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

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To

- 1.The Inspector of Police,
District Crime Branch, Pudukkottai District.
- 2.The Branch Manager,
ICICI Bank, Alangudi Branch,
Ground Floor No.71/1, Kalaingar Salai,
Alangudi, Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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