BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

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THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.31257 of 2025

Zeenath Nasrin ..Petitioner

Vs

1. The Additional Director General of Police (Cyber Crime),
No.3, Dr. Natesan Road,
Police Training College Campus,
3rd Floor,
Cyber Crime Wing,
Ashok Nagar,
Chennai-600 083.

2. The Inspector of Police (Cyber Crime)
Cyber Police Station
Pali,
Rajasthan State.

3. The Principal Nodal Officer
IDBI Bank Ltd,
Head Office,
IDBI Tower,
WTC Complex
Cuffe Parade
Mumbai-400 005.

4. The Regional Director,
IDBI Bank Ltd,
South Zonal Office,
Chennai-600 034.

5. The Branch Manager,
IDBI Bank Ltd.
Ramanathapuram Branch
Ramanathapuram District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents 2nd and 5th to consider and dispose of petitioner's representation dated 14.10.2025 and defreeze petitioner's saving Bank Account No. 1623104000133821 maintained at IDBI Bank, Ramanathapuram Branch, forthwith and permit petitioner to operate the same.

For Petitioner : Mr.J.Vishnu
For Respondents : Mr.S.Prakash
Govt. Advocate (Crl. Side) (for R1 & R2)

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus to direct the respondents 2 and 5 to consider and dispose of the petitioner's representation dated 14.10.2025 and defreeze petitioner's saving Bank Account No.1623104000133821 maintained at IDBI Bank, Ramanathapuram Branch, forthwith and permit petitioner to operate the same.

2. The facts leading to the filing of the petition are as follows:

The petitioner is having an account bearing No.1623104000133821 maintained in the IDBI Bank, Ramanathapuram Branch. On 10.07.2023, when the petitioner attempted to withdraw the amount, she could not operate her account. Upon enquiry, the Bank informed her that on the instructions of the Cyber Cell of the respondent bank, her account was frozen and a sum of Rs.20,000/- has been marked as a lien based on the complaint. Without issuing any prior notice or communication, the respondent bank has frozen his account. Therefore, the petitioner has sent a representation to the respondents 2 and 5 explaining the facts and requesting to defreeze her account. However, no step has been taken on her representation. Hence, she has filed this writ petition seeking aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not an accused in any criminal case. Even assuming that there was a suspicious transactions, namely, the credit of Rs.20,000/- each, the act of the respondent bank in freezing the entire account is illegal and violates the fundamental rights of the petitioner. Further, the petitioner's account was frozen, without issuing any prior notice or communication to her, which breached the contract with the petitioner.

4. Per contra, Mr.S.Prakash, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2 would submit that the account of the petitioner was frozen on the basis of the instructions of the Cyber Cell of the respondent bank that there were some suspicious transactions.

5. On perusal of the records, it is clear that there is nothing on record to show that the Cyber Cell of the respondent police had requested the respondent bank to freeze the entire account. Even according to the respondent bank only a lien was marked for Rs.20,000/-.However, the learned counsel appearing for the petitioner would submit that the entire account was frozen and the petitioner is unable to operate the account.

6. It is seen that in similar circumstances, this Court had observed that when the alleged fraudulent amount is quantified, the freezing of the whole account cannot be done by the Bank. Similar view was taken by the learned Single Judge of this Court in W.P.(MD).No.15684 of 2024 dated 15.07.2024, wherein, it was held that:

> *"3. The respondent is permitted to retain the aforesaid sum by marking lien on the petitioner's account. Subject to such marking of lien, the petitioner is permitted to operate their bank account. The freezing effected on the petitioner's bank account is lifted to the aforesaid extent. T\his writ petition stands allowed . No costs. Consequently, connected miscellaneous petitions are closed."*

7. Accordingly, this writ petition is disposed of on the following directions:

(a). The respondent / Bank shall mark a lien only for a sum of Rs.20,000/- and permit the petitioner to operate the account forthwith:

(b). The petitioner is at liberty to move the concerned Jurisdictional Magistrate for recall of the lien marked over the said amount of Rs.20,000/-, if she is so advised.

8. Before parting with this case, this Court also would like to make the following observations:

There are several petitions filed by persons whose accounts have been frozen by the Banks without any prior intimation or information. In most of the cases, the account holders are not accused of any criminal offence. They are only recipients of money sent by certain persons who may not be accused of any offence, or by persons who themselves had received money from the accused persons. The persons whose account are frozen are often not even aware of the reasons for such action. Therefore, whenever the Bank receives a communication from the Investigating Officer, it shall act strictly in accordance with the contents of such communication and shall not freeze the entire account unless specifically directed. In all such cases whenever any action is taken by the Bank, the Branch Manager shall forthwith communicate to the account holder both the communication received from the Investigating Officer and the action taken by the Bank, so as to enable the account holder to seek appropriate remedy.

No costs.

05.11.2025

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

To

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P.T.ASHA, J.

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