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WP CrI.(MD) NO. 2486 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15-12-2025

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THE HONOURABLE MRS JUSTICE S.SRIMATHY

WP CrI.(MD) NO. 2486 of 2025

The Cake World,
Represented by its Proprietor,
Janaki,
174, Harris and Harris Towers,
K.P Road, Nagercoil,
Kanyakumari District.

Petitioner(s)

Vs

1. The Deputy Superintendent of Police,
Cyber Cell,
District Police Headquarters,
Samba, Jammu and Kashmir.

2. The Branch Manager,
Canara Bank,
Meenakshipuram Branch,
Nagercoil,
Kanniyakumari District.

Respondent(s)

For Petitioner(s): Mr.R.J.Karthick

For Respondent(s): Mr.A.S.Abul Kalaam Azad,
Government Advocate (CrI.side) for R1
Mr.P.Pethu Rajesh for R2

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 2nd respondent to defreeze the petitioner's bank account bearing Account No.120023832390.



ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the 2nd respondent to defreeze the petitioner's bank account bearing Account No.120023832390.

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

(a) The petitioner is holding a current account bearing A/c No.120023832390 at Canara Bank, Meenakshipuram Branch at Nagercoil, Kanyakumari.

(b) The petitioner came to know that his account had been frozen.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is not an accused in any criminal case; the act of the second respondent freezing the entire account is illegal and violates the fundamental rights of the petitioner; that though pursuant to the alleged communication sent by the Cyber Police Coordination Cell, the second respondent was obliged to obey the directions, the second respondent ought to have informed the petitioner about the action taken thereon; and that having failed to do so, it has breached the contract with the petitioner.

4. The learned Counsel appearing for the second respondent would submit that the account of the petitioner was frozen on the basis of the communication from the Cyber Police Coordination Cell.



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5. On perusal of the records, it is clear that there is nothing on record to show that the Cyber Police Coordination Cell had requested the second respondent to freeze the entire account. The fact is that account has been 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 would not be justified. 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. This 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 second respondent / Bank shall mark a lien only for the quantified sum and permit the petitioner to operate the account forthwith.
- (b). The petitioner is at liberty to move to the concerned Jurisdictional Magistrate for recall of the lien marked over the quantified amount, if he is so advised.



8. With the above observations and directions, this Writ Petition is disposed of. No costs.

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To

1. The Deputy Superintendent of Police,
Cyber Cell,
District Police Headquarters,
Samba, Jammu and Kashmir.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.