



WEB COPY

CRL RC No. 1820 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 26-02-2026**

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**CRL RC No. 1820 of 2025**

Dia Precious Jewellery Pvt.Ltd.,  
Rep by Pratik Jyotindra Tolia, Age-55 Yrs,  
203, Dharam Palace, B Wing,  
2<sup>nd</sup> Floor, N.S.Patkar Marg,  
Grant Road, Mumbai,  
Maharashtra-400 007.

..Petitioner(s)

Vs

1. The Inspector of Police,  
Cyber Crime Police Station,  
CCD-1, Chennai City, Chennai,  
Chennai Zone.
2. Kather Masthan  
Flat No.2G, East Coast Apartments,  
13th Avenue, Harrington Road,  
Chetpet, Chennai-600 031.

..Respondent(s)

Prayer: This Criminal Revision is filed under Sections 438 r/w 442 of the BNSS, 2023, to call for the records and set aside the order dated 16.12.2024 passed by the Hon'ble XI Metropolitan Magistrate, Saidapet, Chennai in CrI.MP.No.25795 of 2024 in Crime.No.184 of 2024 and consequently direct Respondent No.2, to repay the amount of Rs.8,50,000/- (Rupees Eight Lakhs Fifty Thousand only) back to the petitioner's account.

For Petitioner(s): Mr.Manishankar, Senior Counsel  
For Mr.Rahul M Shankhar

For Respondent(s): Mr.Hasan Mohamed Jinnah  
State Public Prosecutor Asst. by  
Mr.Leonard Arul Joseph Selvam



Additional Public Prosecutor  
and Mr.R.Vinothraja  
Government Advocate (Crl. Side) for R1  
R2 – no appearance

### **ORDER**

The Revision challenges the order passed by the learned Magistrate directing de-freezing of the petitioner's account and transferring a sum of Rs.8,50,000/- to the defacto complainant's account, stating that he is entitled to the interim custody of the said amount.

2.The learned counsel for the petitioner would submit that the petitioner was not heard before passing the impugned order; that the petitioner is not an accused in the case; that it is the case of the prosecution that the defacto complainant was cheated by a few persons; that one of those persons had bought goods from the petitioner and a sum of Rs.11,95,500/- was credited to the account of the petitioner by the said person; and that therefore, the petitioner's account was frozen and the impugned order was passed.

3.Mr.Hasan Mohamed Jinnah, the learned State Public Prosecutor brought to the notice of this Court the order passed by the Hon'ble Supreme Court in WP(Crl) No. 3/2025 and WP(Crl) No. 15/2026, wherein, the Hon'ble Supreme Court had approved a Standard Operating Procedure (SOP) issued by the

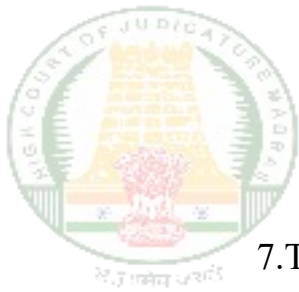


Ministry of Home Affairs for dealing with registration and investigation of cases of on-line fraud and cheating and also about the manner of disposal of property/money seized in such cases. He further submitted that in view of the directions issued by the Hon'ble Supreme Court, the investigating authorities and the Courts are bound by the procedure prescribed in the SOP.

4. Though notice has been served on the second respondent/defacto complainant and his name has been printed in the cause-list, none has entered appearance.

5. Admittedly, the petitioner is not an accused in the case. If they had received the money for goods supplied or services rendered, legally they would not be liable to return the money. In any case, before transferring money from the account of the petitioner to the defacto complainant's account, the learned Magistrate ought to have heard the petitioner. Therefore, the impugned order suffers from violation of principles of natural justice. The impugned order is therefore, liable to be set aside on that ground alone.

6. Though the second respondent has been served, he has not chosen to enter appearance. This Court is of the view that the money transferred to the account of the second respondent/defacto complainant has to be forthwith collected and credited to the account of Crime No.184/2024.



7.The learned Magistrate shall thereafter decide CrI.M.P.No.25795 of 2024 in accordance with the SOP which has to be followed by all the investigating agencies and the Courts, as directed by the Hon'ble Supreme Court. While doing so, the petitioner or any other person whose rights would be affected, have to be heard.

8.With the above observations, the Revision is disposed of.

**26-02-2026**

Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

TSG



To

1.The XI Metropolitan Magistrate,  
Saidapet, Chennai.

2.The Inspector of Police,  
Cyber Crime Police Station,  
CCD-1, Chennai City, Chennai,  
Chennai Zone.

3.The Public Prosecutor,  
Madras High Court.



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**SUNDER MOHAN, J.**

**TSG**

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