



WEB COPY

CRL RC No. 2808 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. 2808 of 2025

Kiran Prasad
S/o Kanchi Purushotam,
No.A-102, Shambavi Apartment,
Nellikuppam Road,
Guduvancherry,
Chengalpattu.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Cyber Crime Division - I,
CSR No.453 of 2025 .

..Respondent(s)

Prayer: This Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to set aside the order passed in CrI.MP.No.2828 of 2025 on the file of the Judicial Magistrate No.II Chengalpattu dated 04.12.2025.

For Petitioner(s):

Ms.Rohini Ravikumar

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(Criminal Side)



ORDER

The Revision challenges the order passed by the learned Magistrate dismissing the petitioner's claim for return of cash that was lost by him in an on-line fraud and seized by the respondent police during the course of investigation.

2.It is the case of the petitioner that he had suffered a total loss of Rs.32,11,747/- in an on-line fraud; that the respondent have frozen the account of an accused; that he had filed a petition before the learned Magistrate for return of cash seized in that account; and the learned Magistrate dismissed the said petition on the ground that the petitioner had failed to establish the nexus between the amounts frozen and the amounts that was transferred from his account.

3.The learned counsel for the petitioner would submit that even the respondent had consented for defreezing the account of the accused and release the money to the defacto complainant and hence, the learned Magistrate ought to have directed return of the cash to the petitioner.

4.This Court is of the view that there is no infirmity in the impugned order. However, it is seen that the Hon'ble Supreme Court in a recent case in



WP(Crl) No.3/2025 and WP(Crl) No.15/2026 had held that the investigating agencies and the Courts have to follow the 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 for disposal of property/money seized in such cases.

5. Therefore, the matter is remanded back to the trial Court. The trial Court shall consider the request of the petitioner by following the SOP, within a period of six (6) weeks from the date of receipt of a copy of this order, after giving notice to all the interested parties.

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

26-02-2026

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

1. The Judicial Magistrate No-II,
Chengalpet.

2. The Inspector of Police
Cyber Crime Division - I,
CSR No.453 of 2025 .

3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

TSG

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