



W.P.(MD)No.2113 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2026

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.2113 of 2025

and

WMP(MD)No.1491 of 2025

Usha

... Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai, Sivagangai District.
2. The Inspector of Police,
Cyber Crime Police Station,
Sivagangai, Sivagangai District.
3. The Inspector of Police,
Central Crime Branch Police Station,
Tumkur District, State of Karnataka.
4. The Branch Manager,
HDFC Bank Limited,
Devakotti Branch,
No.440-1, Thirupattur Road,
Devakottai,
Sivagangai District.

... Respondents



W.P.(MD)No.2113 of 2025

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to de-freeze the petitioner son's bank account No.50100553029360 by considering the petitioner's representation dated 30.11.2024.

For Petitioner : Mr.S.Ramesh Kumar

For Respondents : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl. Side)

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the fourth respondent to de-freeze the petitioner's son's Bank Account No.50100553029360 by considering the petitioner's representation dated 30.11.2024.

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

(a) The petitioner's son is holding a current account bearing A/c No. 50100553029360 at HBFC Bank Limited, Devakottai Branch, No.440-1, Thirupattur Road, Devakottai, Sivagangai District.

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



W.P.(MD)No.2113 of 2025

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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 fourth 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 fourth 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 respondents would submit that the account of the petitioner was frozen on the basis of the communication from the Cyber Police Coordination Cell.

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.



W.P.(MD)No.2113 of 2025

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 4th 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.



W.P.(MD)No.2113 of 2025

8. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.01.2026

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

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai, Sivagangai District.
2. The Inspector of Police,
Cyber Crime Police Station,
Sivagangai, Sivagangai District.
3. The Inspector of Police,
Central Crime Branch Police Station,
Tumkur District, State of Karnataka.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD)No.2113 of 2025

S.SRIMATHY, J.

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W.P.(MD).No.2113 of 2025

05.01.2026