

IN THE COURT OF JUDICIAL MAGISTRATE NO.II CHENGALPATTU

Present: Tmt.S. Sahaana, M.A. M.L. MA.,

Judicial Magistrate No.II, Chengalpattu

CrI.M.P. No.521 of 2026

Thursday, the 09th day of April 2026.

M. Subramanian, age about 81 years,
s/o. Karuppiyah Muthukone,
No.448, Villa – 2,
13th Avenue Sea Shore Town,
Panaiyur, Chennai – 600 119.

....Petitioner / Owner of the
property

.. Vs ..

The Inspector of Police,
Cyber Crime Division -1,
CSR.No.69/2026,
U/s. 497 r/w 503 BNSS.

....Respondent/Complainant

This Petition is filed u/s. 497 & 503 BNSS and coming before me on 09.04.2026 for final hearing in the presence of V.Saranya, S.Kalairasan, G. Srinivasan, Learned counsels for the Petitioner and Assistant Public Prosecutor Grade-II for the Complainant/Respondent and on perusal of the Petition and other connected records and have been stood over for consideration till this day this court made the following-

ORDER

This petition is filed by the petitioner seeking the relief of return of cash of Rs.28,69,962/- (Rupees Twenty eight lakhs sixty nine thousand nine hundred and sixty two only) as inriem custody.

1. The Brief averments in the petition is as follows:

It is stated that the petitioner has been defrauded by unknown persons through online to a tune of Rs.65,00,000/- in the year of 2026. Therefore, the petitioner has filed the complaint before the respondent police seeking for the return of his cash of Rs.28,69,962/- that he has paid so far into the suspected accused account's and for taking further action on the fraudsters.

The petitioner further contents that the respondent police in course of Investigation, had freezed the accounts of the fraudster accounts to whose account's the funds were transferred. Therefore, the petitioner, claims for the return of his cash Rs.28,69,962/- which is now freezed. Hence the petition.

2. Gist of the reply filed by the respondent :

The respondent police have filed the reply stating that, upon receiving the complaint of the petitioner herein, the respondent police had sent the letters to the respective banks to which the amount had been credited by the petitioner for freezing the accounts. Thereby, the accounts to which the money had been credited was frozen by the Bank. The respondent police further stated that they have freezed the money of petitioner from the fraudsters account's. Further the respondent police had stated that they have no objection in returning the said freezed amount to the petitioner herein.

3. Point for determination:

Whether this Application can be allowed or not?

4. Discussion:

This petition has been filed by the petitioner seeking return of a sum of Rs.28,69,962/- alleged to have been lost in an online fraud, on the ground that the police have frozen the bank account of the suspected accused.

5. The Investigating Officer has filed a report stating that during the course of investigation the bank account suspected to be used in the commission of the offence has been frozen. It is further reported that the amount has not been seized and produced before this Court as case property, but only the bank account has been placed under debit freeze.

6. In the reply prosecution simply stated about the registration of case and frozen of bank accounts of accused/suspects. The I.O has not followed the guideline laid by the Hon'ble Supreme court in SOP. The I.O. has not examined the account holders, the Bank official and not conducted money trail and not submitted detailed bank accounts of the frozen Bank accounts.

7. In cyber fraud cases, the account used by fraudsters often receives deposits from several victims from different locations. The amount lying in the frozen account may therefore represent multiple transactions from various persons, and not necessarily the amount claimed by the petitioner alone.

8. Before directing return of any amount, the Court must be satisfied through the transaction trail (money trail) that the specific amount claimed by the petitioner is identifiable in the frozen account. The Standard Operating Procedure issued for handling cyber financial fraud cases also requires the Investigating Officer to analyse

the money trail and competing claims of victims before recommending release of funds.

9. In the present case, the materials placed before this Court do not include the complete bank statement, transaction analysis, or money trail report establishing that the amount lying in the frozen account corresponds to the amount transferred by the petitioner. In the absence of such identification, directing release of any amount at this stage may adversely affect the rights of other possible victims who may have also transferred money to the said account.

10. Therefore, this Court is of the view that the petitioner has not established prima facie entitlement to the specific amount claimed.

11. In the result, this petition is dismissed.

Dictated to the Typist, typed by her directly, corrected and pronounced by me in open Court, this the 09th day of April 2026.

Judicial Magistrate No.II
Chengalpattu.