

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, KARUR.

**Present: Thiru. M. CHARLES ALBERT, B.Com.,B.L.,
Judicial Magistrate No. II, Karur.**

Tuesday, the 24th day of March, 2026

Crl.M.P. No. 274 of 2026

In

CSR. No. 113/2023

Mr.Mahendran,

S/o.Subramaniyan,
D.No.4/18, Thoppur,
Thenilai North,
Chinnavangalampalayam Post,
Pugalur Taluk,
Karur District.

.... Petitioner/defacto-complainant

-Vs-

The State,

Rep. by The **Inspector of Police,**
Cyber crime Police Station,
Karur.

....Respondent/complainant

This petition coming on today for final hearing before me in the presence of Advocate **Thiru.P.Rameshkumar, B.A., B.L.**, appearing for the petitioner and **Selvi.R.Murugeswari,B.A.,B.L.**, Assistant Public Prosecutor Grade II appearing for the Respondent, and upon hearing the arguments of both sides and having stood over for consideration till this day, this Court has passed the following:

ORDER

This petition is filed under section 497 and 503 of B.N.S.S. 2023 for directing Respondent to defreeze and send the petition mentioned amount from their custody to the petitioner's petition mentioned account.

1. Gist of the petition:

The petitioner is the defacto complainant in this case. The case of the petitioner is that the petitioner has got message from an unknown person on 10.03.2023 insisting him to invest in online on believing that he has invested sum of Rs.40,200/-, Rs.2,30,000/- and Rs.3,00,000/- totally sum of Rs.5,72,200/-

was invested. He found that he was cheated. He has lost a total sum of Rs.5,72,200/-. Hence the petitioner conveyed such information before the respondent police. Upon the receipt of said information, Respondent has registered said information as CSR.No.113/2023. Afterwards, it was informed that they freeze petition mentioned amount i.e.Rs.71,255/- in the fraudulent bank account. The learned Counsel for the petitioner has submitted that he is in the need of money he wants the said amount and hence, petitioner prays for directing Respondent to defreeze and transfer the petition mentioned amount from their custody to petition mentioned petitioner's bank account.

2. Gist of the reply filed by the Respondent

The respondent/prosecution side filed detail reply stating that the said case investigation is still pending and accused still absconding. If this petition is allowed the petitioner will not produce the property during trial stage. Hence the prosecution stated objection for transferring the amount from the freeze petition mentioned bank account to the petitioner's bank account.

3. Point for consideration:

The point arisen for consideration is Whether the petition filed by the petitioner under section 503 of B.N.S.S. 2023 is to be allowed or not?

4. Point:

5.1. Heard, Records perused. It is seen to have been cheated the petitioner by unknown person by sending messages regarding investments in an unknown platform through online on believing that he has invested and he has deceived the petitioner by inducing to transfer total amount of Rs.5,72,200/- as mentioned below in the table.

Transaction details by Petitioner's Account – ICICI Bank – A/c No.000101628262

S.No.	Date	Transferee Account	Amount (Rs.)
1	10.03.2023	UPI/306975135019/UPI/ kimmich1122@upi/Federal Bank	40,200
2	10.03.2023	BIL/INFT/000622264009/MAPHLIX TECHNO	2,30,000
3	10.03.2023	MMT/IMPS/3069171370011/JYOTIENTE/ IDFB0040158	3,00,000

5.2. On receipt of such information, Respondent has made entry as CSR No.113/2023 and Investigating officer has initiated investigation on given bank account particulars by petitioner and found below bank account may be

maintained by fraudsters and involved in cheating. So, Respondent has taken steps by utilizing the powers u/s.102 of Cr.P.C or 106 of BNSS to seize/freeze the available amount in the below mentioned accounts and said bank accounts were frozen accordingly. Thereafter, Respondent has also submitted the report before this court which amounts to compliance of Section 106(3) of the BNSS. The below mentioned furnished details did not object either side.

Victim Account Details	Bank Frozen Bank Account Details	Freezed Amount (Rs.)
ICICI Bank – A/c No.000101628262	Layer 1 IDFC First Bank – A/c. No. 81086988268	71,255

5.3. Even said account was frozen long back, said account holder not preferred to make any request/application to defreeze said account till now. Therefore, their conduct shows that, said frozen account holder would be duping the petitioner and said frozen money would be transferred fraudulently. Hence the notice to the account holder is dispensed in the petition since there is possibility of rendering the account with zero balance and the same would affect the interest of the petitioner.

6. The Hon'ble Supreme Court of India in Sundar Bhai Ambalal Desai Vs. State of Gujarat reported in 2003 SCC CrI. 1943 has clearly held as follows:-

“ It is no use to keep such seized vehicle in police station for a long time and it is for the Magistrate to pass the appropriate orders”

7. Our Hon'ble HIGH COURT OF MADRAS has directed in **R.O.C.No.42561-A/2024/F1** that “ The Magistrate shall call for a report from the Cyber Police who may file an action taken report, affirming registration of the information and freezing of the amount in the bank after detecting the trail of money. If there is a nexus between the amount frozen, and the amount reported by the complainant cheated, then, without insisting on registration of FIRs, the Magistrates shall disposed of the application. The action taken report filed by the Cyber Police may be treated as report u/s.457 Cr.P.C(503 BNSS)”.

8. It is seen from the records that petitioner has transferred sum of Rs.3,00,000/- to the said A/c No.**81086988268** (Layer 1) on 10.03.2023 after due investigation Respondent has frozen said Amount sum of Rs.71,255/- in the said Account. Further, Respondents have not stated about any rival claims. So, it shows that said frozen amount does not belonged to Account holder of Layer 1.

10. In the light of dictum stated by Hon'ble Apex Court and direction given by the Hon'ble High Court of Madras, this court is of the considered view that the available balance sum of Rs.71,255/- should be returned to the petitioner. If there is any reversal/return received from the above account otherwise and there

is any claim over the same by the third party the same shall be decided in separate application which the petitioner is bound to comply.

17. On considering above, this court finds that there is nexus between amount Rs.71,255/- frozen and amount reported by the Complainant, petitioner is victim of cyber crime, scammed amount has been freezed, petitioner/defacto complainant is entitled to retrieve the amount, possibilities and chances that freezed amount may be transferred or disbursed, to secure the interest of petitioner/victim and interest of justice, this court is inclined to allow this petition that petitioner is entitled to claim sum of Rs.71,255/- from the said frozen Bank account at Respondent as interim custody by complying following conditions:

- i) The petitioner shall execute a bond for a sum of Rs.71,255/- (Rupees seventy one Thousand Two Hundred and Fifty Five only) alongwith solvency or satisfaction of the court either by himself or by sureties.
- ii) The petitioner shall produce Rs.71,255/- (Rupees seventy one Thousand Two Hundred and Fifty Five only) before this court said transferred amount as and when required.

Upon such compliance of above said conditions, Petitioner, Respondent and frozen banks respectively shall comply further directions and conditions as stated below:

- i) Respondent shall communicate this order to the respective bank through any mode of communications.
- ii) Above Said frozen account bank officers shall comply this order without delay
- iii) Respondent No. shall defreeze the **Account No.81086988268** and shall transfer a sum of Rs.71,255/- to the petitioner's Bank **Account No.000101628262 IFSC: ICIC0000001** which is maintained by petitioner at ICICI Bank, Cenotaph Branch, Chennai.
- v) The petitioner and respective said frozen bank officers shall report about receiving or transferring the petition mentioned amount as per order of this court without delay.
- vi) The Petitioner/defacto complainant shall co-operate the investigation.

This order dictated by me to the Steno Typist and typed by her directly in the computer and corrected and pronounced by me in the open court on 24th day of March, 2026.

**JUDICIAL MAGISTRATE NO.II ,
KARUR.**