



Crl.O.P.No.18900 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.07.2026

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.No.18900 of 2026
and Crl.M.P.No.12597 of 2026

Akila Udayasurian

.. Petitioner

Versus

Pavel Nirmalan

.. Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the entire records pertaining to S.T.C.No.400 of 2024 pending on the file of the learned Metropolitan Magistrate, Fast Track Court – V, Saidapet, Chennai, and quash the said proceedings insofar as the petitioner/A3 is concerned.

For Petitioner : Mr.K.Nivesh Kumar



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ORDER

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This Criminal Original Petition is filed challenging the complaint in S.T.C.No.400 of 2024 before the learned Metropolitan Magistrate, Fast Track Court – V, Saidapet, Chennai.

2. It can be seen that the complaint is filed complaining the offence under Section 138 of the Negotiable Instruments Act, 1881. The petitioner is arrayed as the third accused.

3. The learned Counsel for the petitioner would submit that even with reference to the merits of the issue, the second accused, who is in charge of the first accused Company, has been taking steps and majority of the amount is already paid. While so, the trial in the case is being proceeded with. As far as the petitioner is concerned, the petitioner is only a non-executive Director and had no role in the entire transactions. The learned Counsel would rely upon the judgments of the Hon'ble Supreme Court of India in ***Kamalkishor Shrigopal Taparia Vs. India Ener-Gen Private Limited and Anr.***¹ and ***K.S.Mehta Vs. M/s.Morgan Securities and Credits Pvt. Ltd.***².

1 2025 INSC 223

2 2025 INSC 315



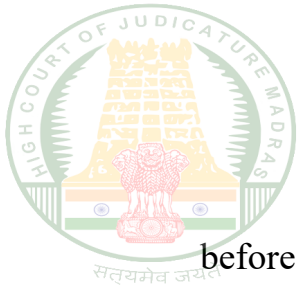
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4. I have considered the said submissions made by the learned Counsel for the petitioner.

5. If the steps are being taken to settle the issue, then, the same can be proceeded and the same cannot be a ground for entertaining the present quash application before this Court. As far as the contention of the petitioner is concerned, specific averments are made in paragraph No.2 of the complaint in S.T.C.No.400 of 2024 that the accused Nos.2 and 3 have asked the complainant to invest the amount, It is further seen that the settlement is going on. The same is relating to the other case pending before the Crime branch.

6. As far as the averments in paragraph No.1 as also in paragraph No.3 are concerned, the complainant has made specific averments that the third accused also represented to be a Director and indulged in the day to day business of the Company. In paragraph No.2, again, it is stated that the third accused also asked the complainant to invest the further amount. In view thereof, the submissions made by the learned Counsel for the petitioner should be taken during the course of the trial and the plea made



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before this Court that the third accused is not at all involved, has to be established before the Trial Court and cannot be a ground for entertaining this quash application.

7. In view thereof, keeping open the liberty of the petitioner to raise all the grounds before the Trial Court, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

17.07.2026

Neutral Citation : no
grs

To

The Metropolitan Magistrate,
Fast Track Court – V,
Saidapet, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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