



Crl.RC .No.71 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.71 of 2025

Vignesh Natarajan

Director of M/s.Cargo International India Pvt. Ltd.,

No.7, New No.13, 1st Floor, 1st Cross Street,

Kodambakkam, Chennai – 24.

... Petitioner

Vs

State rep by

The Sub-Inspector of Police,

Central Crime Branch,

EDF-I, Team II, Vepery,

Chennai – 600 007.

... Respondent

Prayer: Criminal Revision is filed under Section 438 r/w 422 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and to set aside the order of dismissal passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB & CBCID Cases at Egmore, Chennai, in Crl.M.P.No.53501 of 2024 dated 13.11.2024.

For Petitioner : Mr.Dhanaram Ramachandran

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case has been filed as against the order dated 13.11.2024 passed in Crl.M.P.No.53501 of 2024 on the file of the Metropolitan



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Magistrate for Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai, thereby dismissing the protest petition and accepted the closure report filed by the respondent.

2. The petitioner is the complainant. He lodged a complaint as against the accused, alleging misappropriation of funds in their Company. Based on the said complaint, the respondent conducted an enquiry and closed the same. Subsequently, the petitioner filed a protest petition seeking a direction under Section 156(3) of the Code of Criminal Procedure to register the complaint. Pursuant to the direction issued by the learned Magistrate, the respondent registered an FIR in Crime No.229 of 2022 for the offences punishable under Sections 408, 420, 477A & 120 of IPC.

3. After completion of the investigation, a closure report was filed. However, the learned Magistrate did not accept the same and directed further investigation. Thereafter, further investigation was conducted and the same was closed as “Further Action Dropped”. On receipt of the referred charge sheet notice, the petitioner once again filed a protest petition. After a detailed enquiry, the closure report was accepted by the Magistrate.



4. The learned counsel appearing for the petitioner would submit that the accused had misappropriated a huge sum of money and also diverted the fund to a private Company.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. A perusal of the records reveals that the first and second accused were directors of the Company and each hold 10% of the shares. Subsequently, they resigned from their directorship and another person was inducted as Director, holding 80% of the share. After his demise, his son was inducted as Director. Thereafter, they found that there was misappropriation of funds and lodged a complaint.

7. The Directors of the Company viz., M/s.Cargo International India Pvt. Ltd., were engaged in export, customs clearance and road transportation activities. Further, the first and second accused, after resigning from the defacto complainant's company, joined as Sales Directors with a business associate in M/s. Aero Trans Global Forwarding, for salary.

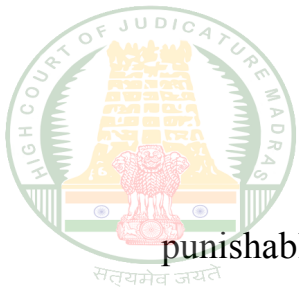


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Therefore, there existed a strained business relationship between the parties. In fact, the petitioner has also filed a Company Petition in C.P.No.519 of 2024, which is pending before the National Company Law Tribunal between M/s.Cargo International India Pvt. Ltd and M/s. Aero Trans Global Forwarding.

8. In fact, the second accused lodged a complaint before the Inspector of Police, F3 Nungambakkam Police Station, as against the petitioner and one Suresh, alleging that they had misused the identity card of one Varadharajan Prasath, forged documents by utilising his digital signatures, and unlawfully transferred funds to M/s.Inter Continental Logistics Ltd. Based on the said complaint, an FIR has been registered in Crime No.285 of 2022 for the offences punishable under Sections 465, 467, 468, 471 of IPC and Section 66C of Information Technology Act. After completion of the investigation, a final report was filed and the same was taken cognizance in C.C.No.1471 of 2023, which is pending for trial before the XIV Metropolitan Magistrate, Egmore, Chennai.

7. That apart, the fourth accused also lodged another complaint and the same was registered in Crime No.216 of 2023 for the offences



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punishable under Sections 406 and 420 of IPC, which is also pending for investigation as against the petitioner herein. Therefore, in order to escape from the clutches of law, the petitioner filed a private complaint and the same was duly enquired by the respondent and closed as “Further Action Dropped”. Hence, the learned Magistrate rightly dismissed the protest petition filed by the petitioner.

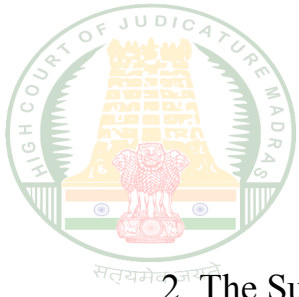
10. In view of the above, this Court finds no infirmity or illegality in the order dated 13.11.2024 passed in Crl.M.P.No.53501 of 2024 on the file of the Metropolitan Magistrate for Exclusive Trial of CCB and CBCID Cases, Egmore, Chennai. Accordingly, this Criminal Revision Case stands dismissed.

24.06.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non Speaking order
Lpp

To

1. The Metropolitan Magistrate for Exclusive Trial
of CCB & CBCID Cases,
Egmore, Chennai.



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2. The Sub-Inspector of Police,
Central Crime Branch,
EDF-I, Team II, Vepery,
Chennai – 600 007.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J,

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