



Crl.O.P.Nos.11639, 11685, 11647, 11691,
11653, 11688 and 11659 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**Crl.O.P.Nos.11639, 11685, 11647, 11691,
11653, 11688 and 11659 of 2025 and
Crl.M.P.Nos.7756, 7788, 7764, 7794, 7771, 7793
and 7774 of 2025**

Crl.O.P.No.11639/2025

Manikandan

...Petitioner

Vs.

1. State represented by
The Inspector of Police
Central Crime Branch – 1 Police Station,
CCB, Chennai.

2. Prasad Varadharajan
3. RamKumar Srinivasan

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the entire records connected with FIR bearing Crime No.196/2024 dated 18.10.2024 against the petitioner on the file of the first respondent police and quash the same.



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For Petitioner : Mr.P.H.Aravind Pandian,
Senior Counsel Assisted by
Mr.G.Kalyan Jhabakh

For Respondent : Dr.C.E.Pratap
Govt. Advocate (Crl.Side) for R1

Mr.P.Sathyanathan for RR2 and 3

COMMON ORDER

These petitions have been filed seeking to quash case in FIR
No.196 of 2024 pending before the first respondent police.

2 It is contended by the learned Senior Counsel for the
petitioners that the dispute between the petitioners and the private
respondents is civil in nature. The company petition in C.P.No.519 of 2019
is pending before the NCLT and the respondents 2 and 3 have entered
appearance and filed their counter, for which, the petitioner therein also
filed rejoinder. Earlier when the petitioners approached this Court for de-



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freezing the account of the petitioners' company, this Court, vide its order dated 20.02.2025 allowed the prayer of the petitioners by observing that the dispute is civil nature and is nothing but a counter blast to the Company Petition filed by the first accused. As against the same, Special Leave Petition was filed and the Hon'ble Supreme Court also confirmed the order of this Court. The dispute is only between the Directors of the Company, for which, Company Petition is also pending before the NCLT. Therefore there cannot be two parallel proceedings one by way of criminal complaint and one before NCLT. Hence the present complaint is liable to be quashed.

3 It is the case of the respondents 2 and 3/defacto complainant that the petitioners, who are the present Directors of M/s.Cargo International Ltd., having 80% shares in the company, have misappropriated to the tune of Rs.11.79 Crores, due to which, the other shareholders sustained loss and hence they preferred complaint before the Commissioner of Police and the same was closed on 22.08.2024. Hence the defacto complainant preferred an application under Section 156(3) of Cr.P.C. before



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the learned Metropolitan Magistrate for Exclusive Trial of CCB cases (Relating to Cheating Cases In Chennai), and CBCID Metro Cases, Egmore, Chennai – 08. The learned Magistrate by an order dated 10.09.2024, rightly forwarded the complaint for investigation. Now the investigation is pending and there is no reason to quash the FIR.

4 The respondents 2 and 3 were the Directors of the Company namely M/s.Cargo International (India) Pvt. Ltd., There is money dispute regarding the shares of the Company. The learned Metropolitan Magistrate, while forwarding the complaint for investigation, has clearly observed that the averments in the complaint made out cognizable offence and the complainant established *prima facie* and all the ingredients under Section 156(3) also satisfied. The petitioners, without challenging the order passed by the learned Magistrate, dated 10.09.2024, forwarding the complaint for investigation, cannot seek the remedy of quashing of FIR.



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5 Therefore these Criminal Original Petitions stand dismissed. Consequently connected miscellaneous petitions are closed. However the petitioners are at liberty to workout their remedy in the manner known to law.

16.06.2025

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Speaking /Non-speaking order

To

1. The Inspector of Police, Central Crime Branch – 1 Police Station, CCB, Chennai.
2. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.

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