



Crl.R.C.Nos.1230 & 1232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 30.07.2025

PRONOUNCED ON : 07.08.2025

CORAM:

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

Crl.R.C.Nos.1230 & 1232 of 2025

1. Suresh Thekkedath Padmanabhan
2. Vignesh Natarajan
3. Jijy Mathew
4. Indira Suresh

.... Petitioners in
Crl.R.C.No.1230 of 2025

1. Manikandan
2. Bharati Kumaaran
3. Manoj

.... Petitioners in
Crl.R.C.No.1232 of 2025

Vs

1. State represented by
The Inspector of Police,
Central Crime Branch, EDF-I Wing, Beta-2,
Vepery, Chennai – 7
Crime No.196 of 2024

2. Varadarajan Prasath
Rep. by his authorized person/attorney
D.Sathishkumar,
D.No.EWSB 1891, Gandhi Nagar,
Peelamedu, Coimbatore – 641 004.

.... Respondents in both Crl.R.Cs



Crl.R.C.Nos.1230 & 1232 of 2025

COMMON PRAYER: Criminal Revision Cases are filed under Sections 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records and set aside the order dated 10.09.2024 in Crl.M.P.NO.47197 of 2024 on the file of the learned Metropolitan Magistrate, for exclusive trial of CCB Cases (relating to cheating cases in Chennai) and in CBCID Metro Cases, Egmore, Chennai, by allowing these criminal revision petitions.

For Petitioners in Crl.R.C.No.1230 of 2025	:	Mr.P.H.Aravind Pandian Senior Counsel for M/s.Surana and Surana
For Petitioners in Crl.R.C.No.1232 of 2025	:	Mr.Abudu Kumar Rajarathinam Senior Counsel for M/s.Surana and Surana
For R1 in both Crl.R.Cs	:	Mr.A.Gopinath Government Advocate (Crl. Side)
For R2 in both Crl.R.Cs	:	Mr.C.Karthik, Senior Counsel for Mr.P.Sathyanathan

COMMON ORDER

Both the Criminal Revision Cases have been filed as against the order dated 10.09.2024 passed in Crl.M.P.No.47197 of 2024 on the file of the Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, thereby directed the first respondent to enquire the complaint and register an FIR.



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2. The petitioners in Crl.R.C.No.1230 of 2025 are arrayed as A1

to A4 and the petitioners in Crl.R.C.No.1232 of 2025 are arrayed as A5 to A7.

The second respondent lodged a complaint alleging that the second respondent and one Srinivasan Ramkumar were erstwhile directors and shareholders of M/s.Cargo International India Private Limited (hereinafter referred to as “the Company”). The Company, through its branch, had also been providing documentation and accounting support for shipments related to import and export, and incurred expenses in that regard. While being so, the first accused unilaterally decided the manner in which the income was to be shared on the volume of business transacted by the respective group companies. The invoices were routed through e-mails, but no invoices were raised in the name of the group companies. The Company received a sum of Rs.4.13 crores. However, the first accused had recorded that the income and expenses pertaining to the group companies were to be treated as 'free' despite the fact that the group companies had rendered various services.

3. From the year 2019 to 2024, the Company had adopted such a modus operandi. The second respondent apprehends foul play on the part of the Auditing Firm M/s.Kalyanasundaram and Associates. Further, it is alleged that, losses were also incurred for the handling of shipments to India and



Belgium. Though the invoice amounts were credited to the Companies account

in abroad, pursuant to the instructions of the first accused, such entries were written off from the accounts of the Company. It has been done primarily to cheat and deceive the shareholders. Out of a total of Rs.5.54 crores, only a sum of Rs.57 lakhs was received from the Company at Dubai. Therefore, the first accused, in order to cheat the shareholders, misappropriated a sum of Rs.20,66,516.99, which was earned by the Company. The first accused also received Rs.90 lakhs towards his salary from the Company for the period from 2014 to 2018. The first accused had swindled the total sum of Rs.11,79,00,000/- along with other accused persons. The other accused persons have been aided and abetted by conniving and colluding with the first accused. Therefore, the second respondent lodged a complaint on 17.04.2022 before the first respondent. However, no action was taken and as such, the second respondent lodged another complaint on 22.07.2024 before the Commissioner of Police. Even then, no action was taken and as such, the second respondent had filed a petition under Section 156(3) of Cr.P.C, seeking a direction to register an FIR. The said petition was taken on file in Crl.M.P.No.47197 of 2024 and the learned Magistrate, by an order dated 10.09.2024, directed to register an FIR.



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4. In compliance with the said direction, the first respondent registered an FIR in Crime No.196 of 2024 as against seven accused persons for the offences punishable under Sections 406, 420 and 34 of IPC. Pursuant to the registration of the FIR, the first respondent had frozen the bank accounts of the second accused maintained at various branches. Aggrieved by the same, the second accused filed petitions before this Court in Crl.O.P.Nos.3627, 1355, 1349 of 2025 seeking a direction to the first respondent and the respective banks to defreeze his accounts. This Court, by an order dated 20.02.2025, allowed the petitions and directed to defreeze the accounts and the second accused was permitted to operate his accounts. Aggrieved by the same, the second respondent preferred an appeal before the Hon'ble Supreme Court of India in SLP (Crl.) Nos.4963 to 4966 of 2025. the Hon'ble Supreme Court of India, by order dated 20.05.2025, dismissed the SLPs, and directed the second accused to maintain a sum of Rs.2,20,00,000/- in his fifth account till the disposal of the civil dispute before the appropriate forum.

5. Thereafter, the petitioners filed petitions in Crl.O.P.Nos.11653, 11685, 11688, 11961, 11639, 11647 & 11659 of 2025 before this Court, seeking to quash the FIR registered in Crime No.196 of 2024. This Court, by an order dated 16.06.2025, dismissed the said petitions on the ground that the



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petitioners, without challenging the order dated 10.09.2024 passed by the

learned Magistrate under Section 156(3) of Cr.P.C, cannot seek the remedy of quashing the FIR. While dismissing the petitions, this Court granted liberty to the petitioners to work out their remedy in the manner known to law. Hence, the present Criminal Revision Cases have been filed challenging the order passed in CrI.M.P.No.47197 of 2024 filed under Section 156(3) of Cr.P.C.

6. The learned Senior Counsels appearing for the petitioners submitted that the petitioners in CrI.R.C.No.1230 of 2025 are arrayed as A1 to A4 and the petitioners in CrI.R.C.No.1232 of 2025 are arrayed as A5 to A7. The first accused had filed a Company Petition in C.P.No.519 of 2019 as against the second respondent and another shareholder, which is pending before the National Company Law Tribunal, Chennai. Both the first accused and the second respondent were Directors of the Company situated in India and were fully in charge of its operations of the Company in India. They had involved in the day-to-day affairs of the Company. The first accused filed the said Company Petition alleging that the second respondent and another Director had siphoned off company's funds and committed acts of oppression and mismanagement. The second respondent had also started a separate company in the name and style of M/s.Aerotrans Global Forwarding (I) Private Limited



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and had diverted the business and staff members from the Company to the new entity. Therefore, the present complaint is nothing but a counterblast to the company petition filed before the National Company Law Tribunal.

7. They further submitted that the second respondent had also lodged a complaint before the Inspector of Police, Nungambakkam Police Station, Chennai and the same was registered in Crime No.285 of 2022 for the very same set of allegations as levelled in the present complaint. Further, the second respondent had also lodged another complaint as against the first and second accused before the Inspector of Police, Nungambakkam Police Station, Chennai and the same was registered in Crime No.216 of 2023, alleging that the Company had shown a loss in its balance sheet. Therefore, the second respondent lodged several complaints one after another with a malafide intention to harass the petitioners.

8. Pursuant to the registration of the FIR, the first respondent had frozen four bank accounts of the second accused. It was challenged before this Court and this Court allowed those petitions and permitted the second accused to operate his accounts. While allowing the petitions, this Court observed that the very same set of allegations had already formed the basis of three earlier

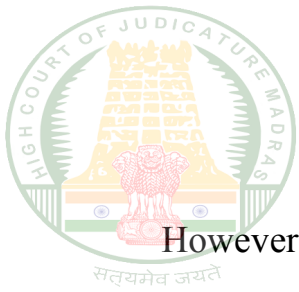


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complaints. However, the second respondent, suppressing these material facts,

had lodged a fresh complaint. Further, all the allegations are civil in nature and do not attract the ingredients of the offences under Sections 406, 420 and 34 of IPC as against the accused persons. Mere registration of an FIR would not amount to the allegations being proved. Even if all the allegations levelled as against the petitioners are true, it is only a civil liability and no criminal offence is made out as against the petitioners. It was challenged before the Hon'ble Supreme Court of India by way of Special Leave Petitions, wherein the the Hon'ble Apex Court observed that the dispute arising out of the FIR is civil in nature. Accordingly, the Special Leave Petitions were dismissed. However, as the Company Petition is pending against the second respondent, the fifth bank account of the second accused remains frozen, in which there is a balance of Rs.2,49,99,437.29 as on 16.05.2025. The Hon'ble Supreme Court of India directed the second accused shall maintain a balance of Rs.2,20,00,000/- in the said account till the dispute between the parties is finally adjudicated on its own merits by the appropriate forum.

9. Therefore, the FIR registered as against the petitioners in Crime No.196 of 2024 cannot be sustained and is liable to be quashed. Accordingly, the petitioners filed separate quash petitions seeking to quash the said FIR.



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However, this Court, by an order dated 16.06.2025, dismissed the quash petitions on the ground that the petitioners cannot seek remedy of quashing the FIR without challenging the order dated 10.09.2024 passed by the learned Magistrate under Section 156(3) of Cr.P.C. While dismissing the quash petitions, this Court granted liberty to workout their remedy in the manner known to law, though the accused has no right to be heard at the stage of an order passed under Section 156(3) of Cr.P.C. In view of the above facts and circumstances of the case, the order passed under Section 156(3) of Cr.P.C and consequent registration of FIR in Crime No.196 of 2024 cannot be sustained and are liable to be set aside.

10. The learned Senior Counsels appearing for the petitioners also relied upon the Judgment of the Hon'ble Supreme Court of India reported in *(1997) 4 Supreme Court Cases 241* in the case of **Krishnan and another Vs. Krishnaveni and another**, wherein, the Hon'ble Supreme Court of India held that this Court has jurisdiction under Sections 397 read with 401 of Cr.P.C, to quash the direction issued under Section 156(3) of Cr.P.C. and the consequential proceedings arising therefrom. They further relied upon the Judgment of the Hon'ble Supreme Court of India reported in *(2013) 2 SCC 398* in the case of **Jishore Samrite Vs. State of Uttar Pradesh and others**, wherein



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it was held that a person who, with intent to deceive and mislead the courts, initiates proceedings without full disclosure of material facts and approaches the court with unclean hands, is not entitled to be heard on the merits of the case, nor is he entitled to any relief. The obligation to approach the Court with clean hands is an absolute obligation, as consistently reiterated by this Court. In the case on hand, the second respondent lodged the present complaint suppressing the earlier two complaints and also the company petitions. Therefore, the learned Magistrate ought not to have passed an order directing registration of the FIR, based on a complaint arising out of suppression of material facts.

11. Per contra, the second respondent filed a counter affidavit and the learned Senior Counsel appearing for the second respondent submitted that the petitioners are arrayed as A1 to A7. Though there is prima facie case has been made out in the complaint, the first respondent failed to register an FIR. Therefore, the second respondent was constrained to file a petition under Section 156(3) of CrI.P.C and the learned Magistrate rightly passed an order to register an FIR. In compliance with the said direction, the first respondent registered an FIR in Crime No.196 of 2024 for the offences punishable under Sections 406, 420 and 34 of IPC. Therefore, challenging of the direction issued



under Section 156(3) of Cr.P.C. does not arise, since the same has already been

WEB COMPLIED with and it become infructuous. Though the second respondent already lodged two complaints and the first accused filed a company petition, those proceedings are nothing to do with the complaint lodged by the second respondent. The petitioners also challenged the very FIR by way of quash petitions and the same were dismissed by this Court. Moreover, this Court had granted liberty to the petitioners to workout their remedy before the appropriate forum.

12. It cannot be construed that this Court had granted liberty to the petitioners to challenge the order passed under Section 156(3) of Cr.P.C. Once the order passed under Section 156(3) of Cr.P.C. has been complied with by the registration of an FIR, this Court has no jurisdiction to quash the order passed under Section 156(3) of Cr.P.C. Further, the petitioners, being the accused, have no right to be heard at the stage of the proceedings under Section 156(3) of Cr.P.C. The rights accrued to the accused only after registration of the FIR and its consequential proceedings. In fact, the FIR was challenged by all the accused persons by way of quash petitions and those petitions were dismissed by this Court. What the petitioners could not achieve directly through the quash petitions, they are now attempting to achieve indirectly by



WEB filing these Criminal Revisions challenging the very order passed under Section 156(3) of Cr.P.C. Such a course of action would amount to constructive *res-judicata*. Therefore, these criminal revisions are not at all maintainable and are liable to be dismissed.

13. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that the petitioners, being the accused, cannot challenge the order passed under Section 156(3) of Cr.P.C. The said order, which is impugned in these revisions, has now become infructuous in view of the fact that the FIR has already been registered. The order passed under Section 156(3) of Cr.P.C has been duly complied with by the first respondent by registration of FIR in Crime No.196 of 2024. In support of his contention, he relied upon the Judgment of the Hon'ble Supreme Court of India in ***Special Leave Petition (Criminal) No.18084 of 2024*** in the case of ***Anurag Bhatnagar and another Vs. State (NCT of Delhi) and another***, wherein, the Hon'ble Supreme Court of India held that the High Court denied the quashment of the order passed under Section 156(3) of Cr.P.C and the consequential FIR. Pursuant to the completion of the investigation and submission of the final report, the learned Magistrate had satisfied himself that the allegations made out cognizable offence warranting investigation. Therefore, the reasons stated



by the learned Magistrate for directing investigation cannot be interfered with

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in the exercise of inherent powers. Once the direction under Section 156(3) of Cr.P.C has been complied with by the registration of an FIR, such a direction cannot be quashed or set aside. Hence, this Court cannot exercise its discretionary jurisdiction to set aside the order passed under Section 156(3) of Crl.P.C and consequential registration of the FIR.

14. He further submitted that the accused is not entitled to any audience prior to the registration of an FIR. The very purpose of fair and just investigation shall stand frustrated if pre-registration hearing is required to be granted. It is not that the liberty of an individual is being taken away or is being adversely affected, except by the due process of law. In support of his contention, he relied upon the Judgment of the Hon'ble Supreme Court of India reported in *MANU/SC/1129/2012* in the case of *Anju Chaudhary Vs. State of U.P and ors*, wherein it was categorically held that the accused is not entitled to any opportunity of hearing at the stage of pre-registration or during the course of investigation. Following the said judgment, this Court has consistently held that an accused does not have the right to participate or be heard at the stage when the investigation is pending, particularly prior to the filing of the final report.



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15. Heard the learned Senior Counsels appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and the learned counsel appearing for the second respondent. Perused the materials available on record.

16. It is true that the accused is not entitled to any audience before registration of an FIR. During the investigation, the rule of *audi alteram partem* is subject to certain exceptions. Such exceptions may be provided by law or by necessary implications, where no other interpretation is possible. The scheme of the Code of Criminal Procedure does not provide for any right of hearing at the time of registration of the FIR. Upon registration of an FIR, the accused is entitled to take recourse to the various provisions of bail and anticipatory bail to claim his liberty in accordance with law. But these revisions have been filed challenging the order passed under Section 156(3) of Cr.P.C by the Magistrate. The first respondent registered an FIR in Crime No.196 of 2024. Pursuant to the registration of the FIR, during investigation, the first respondent had frozen the bank accounts of the second accused. Aggrieved by the same, the second accused filed petitions before this Court in Crl.O.P.Nos.3627, 1355, 1349 of 2025. This Court, by a common order dated 20.02.2025, allowed the petitioners and directed the defreezing of the said



accounts and permitted the second accused to operate his account. While doing

so, this Court made the following observations :

6. *In fact, the third respondent had already lodged a complaint before the Inspector of Police, Nungambakkam Police Station and the same was registered in Crime No. 285 of 2022 for a similar set of allegations. In pursuance to the registration of the First Information Report, the petitioner's Company accounts had already been frozen by the Investigating Officer, alleging that he suffered a loss to the tune of Rs.14,81,780/-. After completion of the investigation, a charge sheet has been laid in the said crime number, and it is pending for trial in C.C.No.1471 of 2023 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai. In fact, the petitioner has also filed a petition for direction to defreeze the account and the same was allowed on the condition that the petitioner shall deposit the alleged loss to the tune of Rs.14,81,780/- in Crl.O.P.Nos 26083 and 26085 of 2022.*

7. *On a perusal of the counter-affidavit filed by the first respondent and the submission made by the learned Government Advocate (Crl.Side), it reveals that after registration of the First Information Report, the first respondent made a request to the second respondent to freeze the accounts of the petitioner and accordingly, it had been frozen and the petitioner is not permitted to operate the accounts. Now, the investigation is still pending. That apart,*



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on the very same set of allegations, another complaint was lodged by the third respondent before the Inspector of Police, Nungambakkam Police Station and the same has been registered in Crime No.216 of 2023 for the offences punishable under Sections 406 and 420 of IPC. In pursuance to the registration of the said FIR, another account of the petitioner has also been frozen on the request made by the Investigating Officer. Therefore, the present complaint itself is nothing but a clear abuse of process of law. In fact, the third respondent straight away filed a private complaint and the same has been forwarded under Section 156(3) of Cr.P.C. On the direction issued by the Trial Court, the first respondent registered the First Information Report.

8. Further, on a perusal of the entire allegations, it reveals that the first accused had already filed the said Company Petition, C.P.No.519 of 2019, as against the complainants before the National Company Law Tribunal, Chennai, and it is pending for adjudication. Thereafter, three complaints have been lodged as against the petitioner and others with the above said allegations. Even as per the allegations of the third respondent, there is an outstanding amount to M/s.Cargo International (India) Private Limited and dividends were not determined yet. Further, the dividends were not given to the shareholders.

9. Moreover, the first accused had drawn salary from the Company's account. There are all the claims made by the third



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respondent. In fact, the third respondent is representing on behalf of the shareholders, who are the complainants. If any claim is proved, then the complainants are entitled to their dividend or any profit. It is mere allegations as against the petitioner and others that the dividends were not decided yet and the dividends are not paid to them. One of the accused also had drawn salary from the Company's account. These allegations are all of a civil nature, and in fact, it is nothing but a counter blast to the Company Petition in C.P.No.519 of 2019 filed by the first accused for oppression and mismanagement. Further, the petitioner alleged that the complainants had siphoned the funds of the Company and started a separate company in the name of M/s.Aerotrans Global Forwarding (I) Private Limited.

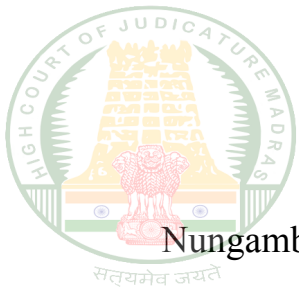
17. The common order passed by this Court in Crl.O.P.Nos. 3627, 1355 and 1349 of 2025 was challenged by the second respondent before the Hon'ble Supreme Court of India in SLP (Crl.) Nos.4963 to 4966 of 2025. The Hon'ble Supreme Court of India, while confirming the order passed by this Court, observed that the dispute arising out of the FIR is civil in nature. It was further noted that the second accused holds another bank account with a balance of Rs. 2,49,99,437.29. Therefore, the second accused has undertaken to maintain the amount of Rs.2,20,00,000/- for the said account, till such time



the civil dispute is either resolved or adjudicated by the appropriate forum. The

WEB ON Hon'ble Supreme Court of India directed that this amount shall continue to be maintained by the second respondent till the final adjudication of the dispute on its own merits, in accordance with the observations made by the Apex Court. Thus, it is clear that the entire allegations are civil in nature. Therefore, the registration of the FIR in Crime No.196 of 2024, cannot be sustained and is liable to be quashed.

18. It is pertinent to note that already A1 and A2 have filed Company Petitions in C.P.No.519 of 2019 before the National Company Law Tribunal as against the second respondent and another Director of the Company and the same is pending adjudication. That apart, for the very same set of allegations, the present FIR got registered against the petitioners. The second respondent already lodged complaints and culminated into C.C.No.1471 of 2023 on the file of the learned XIV Metropolitan Magistrate, Egmore, Chennai and another complaint is pending for investigation in Crime No.216 of 2023 on the file of the Inspector of Police, Nungambakkam Police Station, Chennai, for the offences under Sections 406 and 420 of IPC. Further, the present complaint relates to the alleged occurrence of the year 2018, the second respondent lodged a complaint in the year 2024, that too for the very same set of allegations as alleged in the Crime No.285 of 2022 on the file of the Inspector of Police,



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Nungambakkam Police Station, Chennai. Therefore, the learned Magistrate

ought not to have issued direction under Section 156(3) of Cr.P.C. to register FIR. However, the order has been complied with by registration of FIR in Crime No.196 of 2024.

19. Therefore, the petitioners were constrained to file separate petitions seeking to quash the FIR and all such petitions were dismissed by this Court by a common order dated 16.06.2025 in Crl.O.P.Nos.11653, 11685, 11688, 11961, 11639, 11647 & 11659 of 2025, on the ground that the petitioners, without challenging the order passed under Section 156(3) of Cr.P.C dated 10.09.2024, cannot seek remedy of quashing the FIR. This Court had also granted liberty to the petitioners to work out their remedies in the manner known to law. Hence, the petitioners constrained to file these criminal revisions, challenging the order passed under Section 156(3) of Cr.P.C. Dated 10.09.2024.

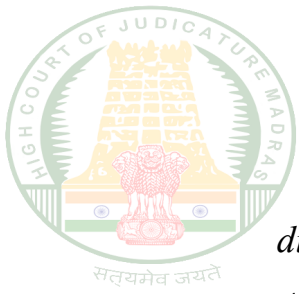
20. In view of the above facts and circumstances, this Court can exercise its power under Section 397 read with 401 of Cr.P.C. to call for the records of any inferior criminal court and to examine the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the



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regularity of any proceedings of such inferior court and to pass appropriate orders. This Court has continuous supervisory jurisdiction so as to prevent miscarriage of justice or to correct irregularity of the procedure or to mete out justice. In this regard, the learned Senior Counsel relied upon the Judgment of the Hon'ble Supreme Court of India reported in **(1997) 4 Supreme Court Cases 241** in the case of **Krishnan and another Vs. Krishnaveni and another**, in which the Hon'ble Supreme Court of India held as follows :

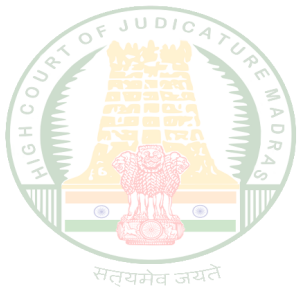
7. It is seen that exercise of the revisional power by the High Court under Section 397 read with Section 401 is to call for the records of any inferior criminal court and to examine the correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior court and to pass appropriate orders. The Court of Sessions and the Magistrates are inferior criminal courts to the High Court and Courts of Judicial Magistrate are inferior criminal courts to the Sessions Judge. Ordinarily, in the matter of exercise of power of revision by any High Court, Section 397 and 401 are required to be read together. Section 397 gives powers to the High Court to call for the records as also suo motu power under Section 401 to exercise the revisional power on the grounds mentioned therein, i.e., to examine the correctness, legality or propriety of any finding, sentence or order, recorded or passed and as to the regularity of any proceedings of such interior court, and to



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dispose of the revision in the manner indicated under Section 401 of the Code. The revisional power of the High Court merely conserves the power of the High Court to see that justice is done in accordance with the recognised rules of criminal jurisprudence and that its subordinate courts do not exceed the jurisdiction or abuse the power vested in them under the Code or to prevent abuse of the process of the inferior criminal courts or to prevent miscarriage of justice.

8. The object of Section 483 and the purpose behind conferring the revisional power under Section 397 read with Section 401, upon the High Court is to invest continuous supervisory jurisdiction so as to prevent miscarriage of justice or to correct irregularity of the procedure or to mete out justice. In addition, the inherent power of the High Court is preserved by Section 482. The power of the High Court, therefore, is very wide. However, the High Court must exercise such power sparingly and cautiously when the Sessions Judge has simultaneously exercised revisional power under Section 397(1). However, when the High Court notices that there has been failure of justice or misuse of judicial mechanism or procedure, sentence or order is not correct, it is but the salutary duty of the high Court to prevent the abuse of the process or miscarriage of justice or to correct irregularities/incorrectness committed by inferior criminal court in its juridical process or illegality of sentence or order.



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21. Thus, these revisions are very much maintainable to prevent the abuse of the process of law or miscarriage of justice or to correct irregularities. Further, the second respondent has completely suppressed the facts of the earlier complaints and also the company petition filed by the first accused before the learned Magistrate. Therefore, the second respondent has approached the learned Magistrate without clean hands and is consequently not entitled to any relief. In this regard, the learned Senior Counsel for the petitioners relied upon the Judgment of the Hon'ble Supreme Court of India reported in **(2013) 2 Supreme Court Cases 398** in the case of **Kishore Samrite Vs. State of Uttar Pradesh and others**, wherein, the Hon'ble Supreme Court of India held as follows :

32.1. *Courts have, over the centuries, frowned upon litigants who, with intent to deceive and mislead the courts, initiated proceedings without full disclosure of facts and came to the courts with “unclean hands”. Courts have held that such litigants are neither entitled to be heard on the merits of the case nor are entitled to any relief.*

32.2. *The people, who approach the court for relief on an ex parte statement, are under a contract with the court that they would state the whole case fully and fairly to the court and where the litigants have broken such faith, the discretion of the court cannot be exercised in favour of such a litigant.*



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38. *No litigant can play “hide and seek” with the courts or adopt “pick and choose”. True facts ought to be disclosed as the court knows law, but not facts. One, who does not come with candid facts and clean breast cannot hold a writ of the court with soiled hands. Suppression or concealment of material facts is impermissible to a litigant or even as a technique of advocacy. In such cases, the court is duty bound to discharge rule nisi and such applicant is required to be dealt with for contempt of court for abusing the process of court.*

39. *Another settled canon of administration of justice is that no litigant should be permitted to misuse the judicial process by filing frivolous petitions. No litigant has a right to unlimited drought upon the court time and public money in order to get his affairs settled in the manner as he wishes. Easy access to justice should not be used as a a licence to file misconceived and frivolous petitions.*

22. In the light of the above settled principles, in the case on hand, the second respondent approached the learned Magistrate by suppressing the material facts, with unclean hands and also ulterior motive. It is nothing but an abuse of the process of law.

23. In view of the foregoing discussions, the order passed under Section 156(3) of Cr.P.C. in Crl.M.P.No.47197 of 2024, dated 10.09.2024 and



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the consequential FIR in Crime No.196 of 2024 registered on the file of the first respondent, cannot be sustained and are liable to be set aside. Accordingly, the order dated 10.09.2024 passed in Crl.M.P.No.47197 of 2024 is hereby set aside. Consequently, the FIR registered in Crime No.196 of 2024 is also hereby quashed.

24. In the result, both the Criminal Revision Cases stand allowed.

07.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To

1. The Metropolitan Magistrate for exclusive trial of CCB Cases
(relating to cheating cases in Chennai) and in CBCID Metro Cases,
Egmore, Chennai.

2. The Inspector of Police,
Central Crime Branch, EDF-I Wing, Beta-2,
Vepery, Chennai – 7

3. The Public Prosecutor,
High Court, Madras.



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