



Crl.R.C.No.1392 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

CORAM:

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

Crl.R.C.No.1392 of 2025

M/s GP Petroleum's Limited
(formerly M/s Sah Petroleum Limited)
rep. By its Authorised Signatory
Mr.Vijayashankar
709 and 710, Office No.M002 Mezzanine Floor,
Prince Centre, Pathari Road,
Annasalai, Chennai

... Petitioner

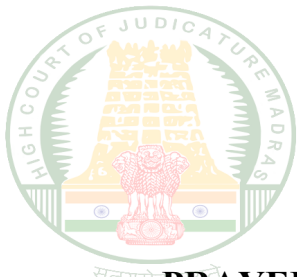
Vs

1. The Superintendent of Police,
Economic Offences Wing, Headquarters,
No.2, Natesan Salai, Ashok Nagar,
Chennai - 600083

2. The Inspector of police,
Economic Offences Wing,
Head Quarters No.2,
Natesan Salai, Ashok Nagar,
Chennai - 600083

3. Satheesh Kumar
4. M.Masilamani
5. Loganathan
6. Srinivasan
7. Ganesh
8. Mohamed Sheikh Ali
9. Nagaraj

... Respondents



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PRAYER: Criminal Revision Petition is filed under Section 438 & 442 of BNSS Act to call for the records of the order dated 18.06.2025 in Crl.M.P.No.4264 of 2025 on the file of the learned Chief Metropolitan Magistrate, Egmore and set aside the same and allow the present Revision.

For Petitioner : Mr. R.Kanishca for
M/s Nathan & Associates

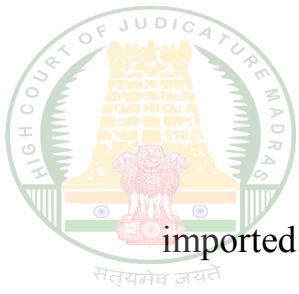
For Respondents : Mr.A.Gopinath for R1 and R2
Government Advocate (Crl.Side)

ORDER

This revision has been preferred as against the order passed in Crl.M.P.No.4264 of 2025 dated 18.06.2025 on the file of the learned Chief Metropolitan Magistrate, Egmore, Chennai thereby dismissing the petition filed for direction under Section 175(3) of BNSS Act.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 and perused the documents placed on record.

3. The petitioner lodged a complaint alleging that the petitioner is a registered company under Companies Act and it is engaged into trading of



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imported coal besides manufacturing and marketing of lubricants, fuel oil and base oil. While being so, the 3rd respondent herein, who has been designated with the post of 'Head-Coal, South and East India' and the 4th respondent herein, who has been designated with the post of 'Lead Operations Pet Coke and Minerals, Chennai of the Coal business and their accounting were done through corporate office located at Mumbai. During their business, the petitioner had imported coal from Indonesia during the month of July, 2020 at Tuticorin Port, for which the petitioner had appointed M/s BL Transport Private Limited, i.e., 3rd and 4th respondents' company herein for handling cargo authorised at Tuticorin port and authorised to deliver goods to contracted buyers of such goods namely, coal, under delivery order duly issued from the company's corporate office and all the deliveries were under instruction to deliver to contracted buyers under cover of valid delivery or in terms of agreement. While being so, 3rd and 4th respondents were responsible for colluding the sales contract with prospective buyers and forwarding delivery order of coals to handling agent and collection of advance money from such contracted buyers in accordance with the company's procedures. The 8th respondent herein, who was the Lead Operator, was posted at Tuticorin and was held responsible for handing over the delivery order to M/s BL Transport after confirmation from the corporate office for supplies contracted by the 3rd and 4th respondents.



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4. Further, during COVID 19, complete work has been halted, however, after resumption of normlcy post COVID, the company's corporate office decided to sell the coal inventory lying at Tuticorin Port. Further, such coal was decided to sell to one M/s Agrawal Coal, Indore and M/s Visakan Impex. Since they expressed their willingness to by this stock of coals and quoted lower price. However, it was rejected in the course of discussions to conclude that no coal is available on site as per information gathered by them. On 02.01.2021, Arjun Verma, CFO of the company asked to visit the office of handling agent and sought for details of dispatches till date. Upon reconciliation with these documents, the petitioner found that the coal which has been dispatched in a concealed, illegal and in an unauthorised manner to them and also to some other customers without due intimation to the petitioner, which amounts to breach of contract, without receipt of any money to the petitioner and clandestine removal of petitioner's company material, viz., coal. Accordingly, under this fraud, the accused have cheated the company to the tune of Rs.5,24,47,401/- Further, on confrontation, the 3rd and 4th respondents, who had accepted their fraud and connivance to the purchasers of coal with invoice and authorised delivery order. Thereafter, they agreed to arrange a meeting and in the meeting, the purchasers accepted for delivery of coal, agreed



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to pay to the petitioner and also informed the remaining coal will be received by the petitioner. Though they had paid only meagre amount and thereafter, they failed to pay any amount and also failed to return the coal, therefore, all the accused persons had committed serious fraud and misappropriated huge amount, even then, the trial court failed to consider the above discussions and simply indicated that all the allegations are civil in nature and dismissed the petition.

5. This Court finds prima facie case to register the FIR as against the accused and as such, the order passed by the trial court in Crl.M.P.No.4264 of 2025 dated 18.06.2025 cannot be sustained and liable to be set aside. The 2nd respondent is directed to register the FIR as against the accused persons and proceed with the investigation forthwith.

Accordingly, the present Criminal Revision is allowed.

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

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G.K.ILANTHIRAIYAN, J.

ssd

To

1. The Superintendent of Police,
Economic Offences Wing, Headquarters,
No.2, Natesan Salai, Ashok Nagar,
Chennai - 600083
2. The Inspector of police,
Economic Offences Wing,
Head Quarters No.2,
Natesan Salai, Ashok Nagar,
Chennai - 600083
3. The Public Prosecutor,
Madras High Court,
Chennai.

Crl.R.C.No. 1392 of 2025

12.08.2025