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Crl.RC.No.1568 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.RC.No.1568 of 2025

1.R.Ashok Agarwal
2.A.Anita Agarwal
3.G.Ajay Agarwal

...Petitioners

Vs.

1. The State Rep. by
Sub-Inspector of Police, CCB
EDF-III, Team-XXI A, Vepery,
Chennai – 7.
Cr.No.96/2016

2. Narayanan Maheshwari
S/o. (late) Briji Mohan lal Rathi,
Director of M/s.Veeraganapathi Steels Pvt. Ltd., Company
No.-177/2, P.H.Road,
Legend Apartments, Flat No.-703,
Kilpauk, Chennai – 600 010.

... Respondents

PRAYER: Criminal Revision is filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the Impugned Order passed in Crl.M.P.No.4443 of 2024 in C.C.No.4302 of 2020 passed by the Trial Court dated 23.10.2024 pending on the file of the Metropolitan Magistrate, Exclusively for Trial of CCB Cases (Cheating) Cases and CBCID Metro Cases, Egmore, Chennai and pass suitable order as deem fit and proper in the circumstances of the case.



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For Petitioners : Mr.K.Nivesh Kumar

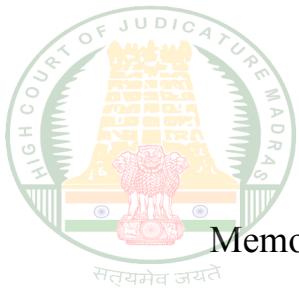
For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side) for R1

ORDER

This Criminal Revision has been filed as against the order passed in Crl.M.P.No.4443/2024 in C.C.No.4302 of 2020 on the file of the learned Metropolitan Magistrate, Exclusively for Trial of CCB Cases (Cheating) Cases and CBCID Metro Cases, Egmore, Chennai, thereby dismissing the petition to discharge the petitioners from the charges.

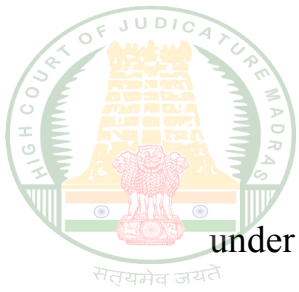
2. The case of the prosecution is that the *de facto* complainant engaged in the business of Stainless Steels. While being so, in the year 2009 the accused approached the *de facto* complainant and placed orders to supply materials to their company. Accordingly from the year 2009 the *de facto* complainant was supplying the materials to the accused on regular basis. The accused used to withhold a part of the bill amount at the end of every financial year and informed that it will be settled at the earliest. During the year 2014-2015, 2015-2016 there was a due to the tune of Rs.2,97,69,856/-. After repeated request the accused have entered into a



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Memorandum of Understanding with the *de facto* complainant and agreed to settle the said amount. In order to settle the pending dues, the accused have also issued 22 post dated cheques and when the cheques were presented for collection, they were dishonoured. Therefore, the complainant initiated proceedings under Section 138 of NI Act. Thereafter the complainant lodged a complaint and the same has been registered in Cr.No.96/2016 for the offences punishable under Sections 406, 420 and 34 of IPC. After completion of investigation, a final report has been filed and the same was taken cognizance by the trial Court in C.C.No.4302 of 2020. While it is pending for framing charges, the petitioners who are arrayed as A2, A4 & A5, filed a discharge petition and the same was dismissed by the trial Court. Aggrieved by the same, the present Criminal Appeal has been preferred.

3. The learned counsel for the petitioners would submit that the only allegation levelled against the petitioners is that on the capacity of Managing Directors and Directors of the A1 company along with other accused, they had met the defacto complainant and requested him to supply materials to the A1 company. In fact after the dishonour of cheque, the *de facto* complainant had also filed a complaint for the offence punishable



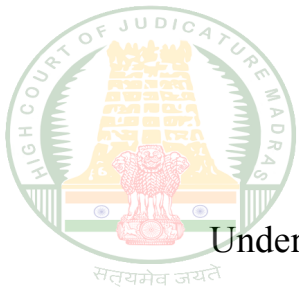
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under Section 138 of NI Act. While pending trial the entire amount has been settled by the accused and all the complaints were quashed by this Court. Therefore, the petitioners has nothing to do with the crime alleged to be committed by the other accused. He further stated that the matter has been settled between the parties.

4. Per contra, the learned Government Advocate (Crl.side) appearing for the first respondent submitted that the petitioners had an active role in A1 company and they had also undertaken to settle the entire dues in favour of the *de facto* complainant. Therefore, there are specific overt act and materials available to attract the charges under Section 406 & 420 IPC r/w. 34 of IPC against the petitioners.

5. Heard both sides and perused the materials available on record. Since the matter has been settled between the parties, there is no need to issue any notice to the second respondent.

6. A perusal of the records reveals that there are totally 8 accused and the petitioners are arrayed as A2, A4 and A5. As per the Memorandum of



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Understanding, they undertake to settle the dues to the tune of
Rs.2,97,69,856/- and they also issued post dated cheques.

7. The Directors of the first accused company had already settled the entire dues and all the complaints filed for the offence punishable under Section 138 of NI Act was quashed by this Court in Crl.O.P.Nos.6408,6409 & 6410/2017 dated 27.10.2017 and Crl.O.P.Nos.25297 to 25300 /2016 dated 02.11.2017. Therefore, the trial Court ought not to have dismissed the petition for discharge filed by the petitioners. Further there is absolutely no possibility for conviction based on the materials available in this case against the petitioners.

8. In view of the above this Court finds infirmity in the order passed by the trial Court and the same cannot be sustained.

9. In the result, this Criminal Revision Case is allowed and the Order dated 23.10.2024 passed in Crl.M.P.No.4443 of 2024 in C.C.No.4302 of 2020 on the file of the Metropolitan Magistrate, Exclusively for Trial of CCB Cases (Cheating) Cases and CBCID Metro Cases, Egmore, Chennai, is



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hereby set aside and the petitioners are discharged from all charges in

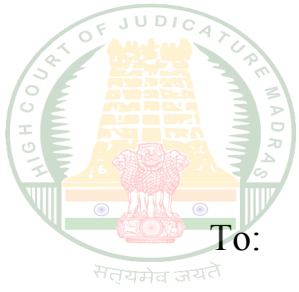
WEB COPY C.C.No.4302 of 2020 on the file of the Metropolitan Magistrate,

Exclusively for Trial of CCB Cases (Cheating) Cases and CBCID Metro

Cases, Egmore, Chennai.

26.08.2025

Index : Yes/No
Speaking/non-speaking order
sli



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To:

**1. The Metropolitan Magistrate, Exclusively for Trial of CCB Cases
(Cheating) Cases and CBCID Metro Cases, Egmore, Chennai.**

**2. The State Rep. by
Sub-Inspector of Police, CCB
EDF-III, Team-XXI A, Vepery,
Chennai – 7.**

**3. The Public Prosecutor
High Court, Madras.**



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G.K.ILANTHIRAIYAN, J.

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