



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-10-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 29060 of 2025

1. R.Kesavan

Late Rajendran, No.4/390, North Street,
Chozhanganallur, Puzhuthikudi,
Thiruvarur, Mannarugudi-614 708

2. M.Ganesan

S/o.Moorthy, No.44/1, Rajaji 3rd Road,
Nungambakkam, Chennai-600 034

Petitioner(s)

Vs

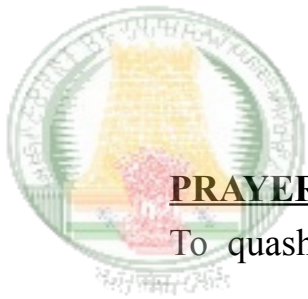
1. The Inspector of Police

EDF-III, New Team , Previously EDF-
II, Team IX-A, Central Crime Branch,
Vepery, Chennai-600 007

2.J.New Man

S/o.late. John raj, No.57, North street,
Crawford, trichy

Respondent(s)



PRAYER

To quash the final report filed by the 1st respondent in CC.No.6202/2018 pending on the file of the Honble Metropolitan Magistrate for CBCID and CCB Cases at Egmore as against the petitioners A6 and A7.

For Petitioner(s): Mr.D.Veerakumar

For Respondent(s): Mr.R.Vinothraja, Govt.Advocate
(Criminal Side) For R1

ORDER

This Criminal Original Petition has been filed praying to quash the final report filed by the 1st respondent in CC.No.6202/2018 pending on the file of learned Metropolitan Magistrate for CBCID and CCB Cases at Egmore as against the petitioners viz., A6 and A7.

2. The learned counsel for the petitioners would submit that the petitioners are respectively drivers of the main accused. Their names have been unnecessarily dragged in this case. Since there happens to be some financial transaction between these petitioners and the main accused company, the petitioners have been added in the case. However, there was no common



intention along with main accused in respect of allegation of cheating funds of the de facto complainant. He would further submit that absolutely there is nothing as if these petitioners induced the defacto complainant for deposit of funds in the petitioner's company started in their names or the other company of the main accused.

3. Per contra, the learned Government Advocate (Criminal Side) would submit that petitioners though claimed to be drivers of the main accused, they have floated several partnership firms along with other main accused. Thereby, the de facto complainant was cheated by them. There are materials to implicate these petitioners and there are substantive materials to show that certain amounts have gone into the accounts of the petitioners and there is common intention along with other accused in cheating the de facto complainant for funds and there are also other materials to show the petitioners' involvement in the case.

4. The Calendar Case is of the year 2018 and charges have been framed and the case now is posted for examination of L.W.1 on 04.11.2025.



5. Learned counsel for the petitioners would further submit that the petitioners personal appearance before the trial court may be dispensed with, unless their presence is required for the purpose of progress of trial. He would further submit that they are also ready to file an affidavit of undertaking that they will be duly represented by a counsel before the Trial Court on all hearing dates and they will be present before the Trial Court for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., passing of judgment and for any other purpose, as may be required by the Trial Court for the purpose of progress of trial.

6. Taking into consideration the facts of the case, this Court is of the view that all the grounds can be raised before the Trial Court and there is no merit in the quash petition.

7. However, accepting the submission made by the learned counsel for the petitioners, the presence of the petitioners before the Trial Court is dispensed with. The petitioners are directed to give an undertaking in the form of affidavit



as submitted by the learned counsel for the petitioners at paragraph 5, *supra*. If the petitioners adopt any dilatory tactics, it is open to the Trial Court to insist for their appearance and deal with them in accordance with the judgment of the Supreme Court of India *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

8. Accordingly, this Criminal Original Petition stands disposed of on the above terms.

27-10-2025

nvsri

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The Inspector of Police

EDF-III, New Team , Previously EDF-II, Team IX-A, Central Crime Branch,
Vepery, Chennai-600 007



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A.D.JAGADISH CHANDIRA, J.

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