



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1783 of 2025

1. A.Ankit Agarwal
S/o. Ashok Agarwal, New No.9, Old
No. 3, 6th Main Road, Gopalapuram,
Chennai-600086.

2.Sunil Sharma
S/o. Pavan Sharma, New No.9, Old
No.3, 6th Main Road, Gopalapuram,
Chennai-600086.

Petitioner(s)

Vs

1. The State Represented by, The
Inspector of Police
EDF-III, Team -XXIA, Vepery,
Chennai-7. Crime No. 96/2016

2.Narayanan Maheswari
S/o. (late). Brij Mohan Lal Rathi,
Director of M/s. Veeraganapathi Steels
Pvt. Ltd Company, No.177/2,



CRL RC No. 1783 of 2025



P.H.Road, Legend Apartments, Flat
No.703, Kilpauk, Chennai 600010.

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Respondent(s)

CRL RC No. 1783 of 2025

PRAYER

To set aside the impugned order passed in Crl.M.P.No.4428/2024 in CC.No.4302/2020 passed by the Trial Court dated 23.10.2024 pending on the file of the Honble Metropolitan Magistrate, Exclusively for Trial of CCB Cases, cheating cases and CB CID Metro Cases, Egmore, Chennai

CRL RC No. 1783 of 2025

For Petitioner(s): M/s.K.Elangovan
A.Girinath

For Respondent(s): Dr. C.E. Pratap, Government
Advocate Crl. side For R1

ORDER

This petition has been filed to set aside the impugned order passed in Crl.M.P.No.4428/2024 in CC.No.4302/2020 passed by the Trial Court dated 23.10.2024 pending on the file of the Honble Metropolitan Magistrate, Exclusively for Trial of CCB Cases, cheating cases and CB CID Metro Cases, Egmore, Chennai.



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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 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 A3 & A8,

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 3rd accused not being the director of the first accused company had entered into a MOU dated 02.02.2016 with defacto complainant and 8th accused not being the authorised signatory of the first accused company had signed 22 cheques of the first accused company. In fact after the dishonour of cheque, the de facto complainant had also filed a complaint for the offence punishable 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 admitted that offence punishable under Section 138 of N.I



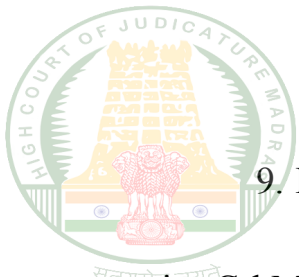
Act was quashed by this Court in Crl. OP No. 6408, 6409 & 6410 of 2017 dated 27.10.2017 and Crl. OP No. 25297 of 25300 of 2016 dated 02.11.2017.

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5. Heard both sides and perused the materials available on record.

6. A perusal of the records reveals that there are totally 8 accused and the petitioners are arrayed as A3 & A8. As per the Memorandum of Understanding, they undertake to settle the dues to the tune of Rs.2,97,69,856/- and they also issued post dated cheques. However, 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 as they are employees.

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 order passed

in Crl.M.P.No.4428/2024 in CC.No.4302/2020 by the Trial Court dated

23.10.2024 pending on the file of the Honble Metropolitan Magistrate,

Exclusively for Trial of CCB Cases, cheating cases and CB CID Metro Cases,

Egmore, Chennai, is hereby set aside and the petitioners are discharged from all

charges 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.

22-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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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CRL RC No. 1783 of 2025



T.V.THAMILSELVI J.
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