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CRL RC No. 2315 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2315 of 2025

1. S.Premnath
S/o.Swaminathan, Flat No.1 and 2,
(New No.2), Block 1, Flat-A, Sri Nagar
Colony, Sai Baba Street,
Thirumullaivoyal, Chennai - 6000062.

Petitioner(s)

Vs

1. The Commissioner of Police,
Chennai Police Commissionerate,
Chennai - 600007.

2.Deputy Commissioner of Police
No.1, P Block, 6th Avenue, Anna
Nagar, Chennai - 600 040.

3.The Inspector of Police,
V-5, Tirumangalam Police Station,
Chennai - 600101.

Respondent(s)

CRL RC No. 2315 of 2025

PRAYER

To set aside the Impugned Order, dated 19.09.2025 in CrI.M.P.NO.7174 of 2025, passed by before the XIII Metropolitan Magistrate Court, Egmore, and consequently direct the Respondent Police to investigate and Registerd the FIR into the Petitioners complaint, dated 11.12.2024, and pass such other or further orders as this High Court.

CRL RC No. 2315 of 2025

For Petitioner(s): K.Bharathi



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CRL RC No. 2315 of 2025



Ramesh Umapathy
S.Vijay
G.Pugazvendan
M.Shankar
A.Kannan
S.Thirumurugan

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

ORDER

This Criminal Revision case has been filed to set aside the Impugned Order, dated 19.09.2025 in Crl.M.P.NO.7174 of 2025, passed by before the XIII Metropolitan Magistrate Court, Egmore, and consequently direct the Respondent Police to investigate and Register the FIR into the Petitioners complaint, dated 11.12.2024.

2. The brief facts of the case:

The petitioner herein lodged a complaint to the jurisdiction police stating that the petitioner have been running a shipping establishment in the name and style of " M/s. Unilloyd Logistics India Pvt. Ltd." which is the authorised handling agent of one M/s. Speed Cargo Logistics(s) Pvt. Ltd, Singapore to manage their containers that carry cargo via ships from overseas to India. The petitioner's establishment regularly handles the export and import containers to and from India. The Importer/consignee is solely responsible for the timely return of the empty container to the petitioner. In the event of any delay in the return of the container, the importer/consignee shall be liable to pay additional



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charges for detention of the container and any port storage charges that may be incurred. This being so, a shipping container bearing No. TCNU6386112/40HC, containing Cargo shipped from Singapore to Chennai (INMAA), (under Bill of Lading No. SCYCINN23120026, aboard Vessel GANTA BHUM V 035W), was arrived at Chennai on 09.01.2024. The petitioner's establishment is authorised handling agent for the said container. M/s Zone Master India Pvt Ltd, situated at No.64, Catholic Center, Armenian Street, Parrys, Chennai – 600 001, on behalf of M/s. Blue Rhino Overseas FZE LLC, is the importer of the Cargo transported in the above said container. As per the agreement, dated 08.01.2024, entered into between the petitioner's establishment and the above said importer, i.e., M/s. Zone Master India Pvt. Ltd, the later has to return the container after taking the cargo thereof. But the said imported has failed to return the above said container even after 11 months of its arrival at Chennai harbour and, paid the detention charges for the container to the petitioner up to 27.02.2024 only. The said M/s. Zone Master India Pvt. Ltd, is liable to pay Rs.64,93,284/- as detention charges from 31.01.2024 to 10.12.2024 to the petitioner. Even after several reminders the said company neither returned the container nor make any payments and illegally retained the said containers and misusing the same. The jurisdiction police has failed to register the case. Hence, the petitioner filed the petition under Section 175(3) r/ 173(4) of BNSS, before the XIII Metropolitan Magistrate, Egmore, Chennai, seeking to register the FIR. Upon hearing both sides, the Trial Court dismissed the said petition by holding that the mere



breach of trust in the written agreement does comes under the cheating and also instructed to approach appropriate forum. Challenging the same, the petitioner filed this Criminal Revision Case.

3. The learned counsel for the petitioner submits that the proposed accused intentionally did not return the container and did not pay the detention charges for an indefinite period and that amounts to cheating. However, without considering the above, the Trial court came to the conclusion that it is not a case of cheating. Hence, he prays to allow this Criminal Revision Case.

4. Heard the submission of the learned counsel for the petitioner.

5. It is alleged that the petitioner is running a shipping establishment in the name and style of " M/s. Unilloyd Logistics India Pvt. Ltd." which is the authorised handling agent of one M/s. Speed Cargo Logistics(s) Pvt. Ltd, Singapore to manage their containers that carry cargo via ships from overseas to India. The Importer/consignee is solely responsible for the timely return of the empty container to the petitioner. In the event of any delay in the return of the container, the importer/consignee shall be liable to pay additional charges for detention of the container and any port storage charges that may be incurred. A shipping container bearing No. TCNU6386112/40HC, containing Cargo shipped from Singapore to Chennai (INMAA), (under Bill of Lading No. SCYCINN23120026, aboard Vessel GANTA BHUM V 035W), was arrived at Chennai on 09.01.2024. M/s Zone Master India Pvt Ltd, situated at No.64, Catholic Center, Armenian Street, Parrys, Chennai – 600 001, on behalf of M/s.



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Blue Rhino Overseas FZE LLC, is the importer of the Cargo transported in the above said container. As per the agreement, dated 08.01.2024, entered into between the petitioner's establishment and the above said importer, i.e., M/s. Zone Master India Pvt. Ltd, the later has to return the container after taking the cargo thereof. But the said importer has failed to return the above said container even after 11 months of its arrival at Chennai harbour and, paid the detention charges for the container to the petitioner up to 27.02.2024 only. On perusal of the records, it shows that even after several reminders the said company neither returned the container nor make any payments which shows the dishonest intention of the proposed accused and petitioner also prima facie establish the dishonest intention of the proposed accused through material documents. When there is prima facie material the Trial Court ought to have considered the complaint filed by the complainant but the Trial Court has failed to consider the same. Therefore, the findings given by the Trial Court is erroneous and liable to be set aside. The third respondent is directed to register the FIR on the petitioner's complaint and proceed with the matter as per manner known to law and file a final report within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Revision Case is allowed. Pending petition if any, is/are closed.

10-11-2025

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Index: Yes/No

Speaking/Non-speaking order



Internet: Yes

Neutral Citation: Yes/No

WEB COPY

CRL RC No. 2315 of 2025





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- To
- 1.The Commissioner of Police,
Chennai Police Commissionerate,
Chennai – 600007.
 2. The XIII Metropolitan Magistrate,

Egmore, Chennai
 - 3.Deputy Commissioner of Police
No.1, P Block, 6th Avenue, Anna
Nagar, Chennai - 600 040.
 - 4.The Inspector of Police,
V-5, Tirumangalam Police Station,
Chennai – 600101.
 5. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI J.
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