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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 15.10.2026

Pronounced on : 28.10.2026

CORAM:

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

Crl.OP.Nos.33143 of 2025, 4193, 4778, 6164, 6225 & 6797 of 2026
and Crl.MP.Nos.23145 of 2025, 4959, 2920, 3430, 4560 & 4597 of 2026

Crl.OP.No.33143 of 2025

INDIRAJIT SENGUPTA
2.DIPAKKUMAR MANHARLAL MEHTA
3.DEEPAK KRISHNAN TEWARI ... Petitioners

Vs.

1.The State of Tamilnadu Rep. by the Inspector of Police,
Central Crime Branch,
Avadi City, Chennai.

2.B.Subramanyan ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records of the case in the FIR in Cr.No.98 of 2025 on the file of the 1st respondent and quash the same as against the petitioners.

For Petitioners : Mr.Hasan Mohamed Jinnah,
Senior Counsel
for Mr.P,Giridharan

For Respondents

For R1 : Mr.A.Amarnath,
Additional Public Prosecutor

For R2 : Mr.G.Prabhakaran
for Mr.R.Raghavendran

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Crl.OP.No.4193 of 2026

1.Prasad Vinayak Bapat
2.Fur Lung Hsieh
3.Jiub Ming Lee
4.A.S.Jayaseelan
5.Balaji ... Petitioners

Vs.

1.The State of Tamilnadu Rep. by the Inspector of Police,
Central Crime Branch,
Avadi City, Chennai.

2.B.Subramanyan, ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records of the case in the FIR in Cr.No.98 of 2025 on the file of the 1st respondent and quash the same as against the petitioners.

For Petitioners : Mr.Hasan Mohamed Jinnah,
Senior Counsel
for Mr.P,Giridharan

For Respondents
For R1 : Mr.A.Amarnath,
Additional Public Prosecutor
For R2 : Mr.G.Prabhakaran
for Mr.R.Raghavendran

Crl.OP.No.4778 of 2026

Seshadri Rajappan ... Petitioner

Vs.

1.The State of Tamilnadu Rep. by the Inspector of Police,
Central Crime Branch,
Avadi City, Chennai.

2.B.Subramanyan, ... Respondents

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Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records of the case in the FIR in Cr.No.98 of 2025 on the file of the 1st respondent and quash the same as against the petitioner.

For Petitioner : Mr.C.Manishankar,
Senior Counsel
for Mr.S.Vasudevan

For Respondents
For R1 : Mr.A.Amarnath,
Additional Public Prosecutor
For R2 : Mr.G.Prabhakaran
for Mr.R.Raghavendran

Crl.OP.No.6164 of 2026

K.P.Mohan Kumar ... Petitioner

Vs.

1.The State of Tamilnadu Rep. by the Inspector of Police,
Central Crime Branch,
Avadi City, Chennai.

2.B.Subramanyan, ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records of the case in the FIR in Cr.No.98 of 2025 on the file of the 1st respondent and quash the same as against the petitioner/Accused No.20

For Petitioner : Mr.C.Manishankar,
Senior Counsel
for Mr.S.Vasudevan

For Respondents
For R1 : Mr.A.Amarnath,
Additional Public Prosecutor

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For R2 : Mr.G.Prabhakaran
for Mr.R.Raghavendran

Crl.OP.No.6225 of 2026

S.Sudharsan ... Petitioner

Vs.

1.The State of Tamilnadu Rep. by the Inspector of Police,
Central Crime Branch,
Avadi City, Chennai.

2.B.Subramanyan, ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records of the case in the FIR in Cr.No.98 of 2025 on the file of the 1st respondent and quash the same as against the petitioner/A21.

For Petitioner : Mr.C.Manishankar,
Senior Counsel
for Mr.S.Vasudevan

For Respondents
For R1 : Mr.A.Amarnath,
Additional Public Prosecutor
For R2 : Mr.G.Prabhakaran
for Mr.R.Raghavendran

Crl.OP.No.6797 of 2026

Kaliamurthy Rajavel ... Petitioner

Vs.

1.The State of Tamilnadu Rep. by the Inspector of Police,
Central Crime Branch,
Avadi City, Chennai.

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2.B.Subramanyan, ... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS, praying to call for the records of the case in the FIR in Cr.No.98 of 2025 on the file of the 1st respondent and quash the same as against the petitioner.

For Petitioner : Mr.R.Vivekananthan

For Respondents
For R1 : Mr.A.Amarnath,
Additional Public Prosecutor
For R2 : Mr.G.Prabhakaran
for Mr.R.Raghavendran

COMMON ORDER

All the Criminal Original Petitions have been filed seeking to quash the FIR registered in Crime No. 98 of 2025 on the file of the first respondent, insofar as the petitioners are concerned.

2. The petitioners in Crl.OP.No.33143 of 2025 are arrayed as A4 to A7. The petitioners in Crl.OP.No.4193 of 2026 are arrayed as A8 to A12. The petitioner in Crl.OP.No.1778 of 2026 is arrayed as A18. The petitioner in Crl.OP.No.6164 of 2026 is arrayed as A20. The petitioner in Crl.OP.No.6225 of 2026 is arrayed as A21. The petitioner in Crl.OP.No.6797 of 2026 is arrayed as A19. Therefore, this Court is inclined to pass a common order in all these petitions.

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3. On the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No. 98 of 2025 for the offences punishable under Sections 316(2), 318(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS). The substance of the allegations in the complaint is that 90 containers containing PVC resin, valued at approximately Rs.15 crores, were shipped by the de facto complainant from Tianjin Xingang and Qingdao, China, to Kattupalli, Tamil Nadu, through the carriers, namely, M/s. MSC Agency India Private Limited, M/s. Wan Hai Lines (India) Private Limited and M/s. T.S. Lines (India) Private Limited, which issued the respective bills of lading. The consignments were imported by M/s. Rishab Triexim LLP and M/s. Kanchan Polymers on various dates. Upon arrival, the containers were discharged and transported to the Container Freight Station (hereinafter referred to as the "CFS") owned by M/s. Sical Multimodal and Rail Transport Limited (hereinafter referred to as "SICAL"). According to the complaint, the prevailing procedure for the release of imported goods requires the importer to produce the original bill of lading before the carrier, which, upon verification, issues a delivery order. The delivery order is thereafter submitted to the CFS for the release of the goods. The shipper is ordinarily required to release the original bills of lading to the importer upon receipt of payment for the goods.

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4. In the present case, the de facto complainant, being the shipper, had paid the prescribed charges to the respective carriers, which had consequently issued the bills of lading. The original bills of lading remained in the possession of the de facto complainant, as the importers had allegedly failed to pay the value of the goods. It is therefore contended that, in the absence of the original bills of lading and valid delivery orders, the consignments could not have been lawfully released to the importers or any other person. However, the de facto complainant allegedly subsequently came to know that the consignments had been released to the importers without production of the original bills of lading and without valid delivery orders. On the basis of these allegations, it is alleged that the carriers, shipowners and liners, acting with dishonest intention and in furtherance of a criminal conspiracy, fabricated documents and receipts and fraudulently procured delivery orders by deceiving the Customs Department. By resorting to such alleged fraudulent means, the accused are stated to have facilitated the release of the consignments, thereby causing wrongful loss to the de facto complainant in respect of goods valued at approximately Rs.15 crores.

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5. It is alleged that the Accused Nos. 1 to 4 misused their official positions and facilitated the fraudulent issuance of delivery orders in conspiracy with the officials of other carrier companies and the Container Freight Station (CFS). They allegedly relied upon forged and fabricated documents to facilitate the unlawful release of the containers, despite the importers having failed to make payment for the consignments and the original bills of lading not having been surrendered by the shipper. The Accused Nos. 5 to 9, who are stated to be directors and officers of M/s. Wan Hai Lines (India) Private Limited, allegedly colluded with the officials of M/s. MSC Agency India Private Limited, M/s. T.S. Lines (India) Private Limited and the CFS. They are alleged to have accepted and processed fabricated documents and fraudulently issued delivery orders without obtaining the original bills of lading, thereby facilitating the unauthorised clearance and release of the containers. The Accused Nos. 10 to 14, who are stated to be directors of M/s. T.S. Lines (India) Private Limited, allegedly participated in the criminal conspiracy with the officials of the other carrier companies, fabricated documents relating to customs clearance, and fraudulently issued delivery orders without verifying the relevant title documents, thereby enabling the unlawful release of the goods. The Accused Nos. 15

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to 18, who are stated to be directors and officers of M/s. Sical Multimodal and Rail Transport Limited, were allegedly entrusted with the custody of the imported containers. They are accused of deliberately violating the prescribed procedure by releasing 82 containers without production of the original bills of lading or the requisite delivery orders.

6. It is further alleged that they opened eight containers and permitted the removal of their contents, manipulated the internal records of the CFS, fabricated acknowledgments, and colluded with the carrier officials to facilitate the unauthorised delivery of high-value cargo. As regards Accused Nos. 19 to 21, who are stated to be partners of the importing entities, it is alleged that they dishonestly forged documents and fabricated receipts and acknowledgments to mislead the Customs authorities. They allegedly obtained delivery orders from the carriers without making payment for the goods and took delivery of 82 containers without the requisite title documents, thereby conspiring to misappropriate the consignments and steal the contents of eight containers. The Accused No. 21 is further alleged to have acted as one of the importers and conspired with the other importers, forged import-related documents, and facilitated the release of the containers without production of the original bills of lading. It is also alleged that Accused

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No. 21 participated in the conspiracy, received the allegedly misappropriated goods, and shared the unlawful gains arising therefrom. On the basis of the aforesaid allegations, the first respondent registered the FIR in Crime No. 98 of 2025 for the offences punishable under Sections 316(2), 318(4) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS). To quash the same the present petitions has been filed.

7. The learned Senior Counsel appearing for the petitioners in Crl.O.P. Nos. 33143 of 2025 and 4193 of 2026 submitted that, as evident from the respective bills of lading issued by the carriers, the vessel arrived at Kattupalli Port on 25.04.2025. Upon discharge, all the containers were transported from the port to the Container Freight Station (CFS). The consignee was entitled to a detention-free period of 21 days from the date of arrival of the cargo. However, as the importers failed to clear the cargo within the stipulated period, detention charges were levied. He further submitted that, by an email dated 12.09.2025, the shipper, namely, the de facto complainant, informed the petitioners that the CFS had released the cargo to the importers without obtaining the requisite delivery orders. It was contended that the CFS could release the cargo only upon production of valid delivery orders, which, in turn, could be issued by the carriers only after the importers surrendered the original

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bills of lading. The petitioners subsequently received an email dated 13.09.2025 from the CFS, wherein it allegedly acknowledged that the cargo had been released erroneously without obtaining the original documents.

7.1. In these circumstances, the learned Senior Counsel contended that Accused Nos. 4 to 12 had no role in the release of the goods by the CFS and could not be held responsible for the alleged unauthorised delivery of the consignments. On the contrary, it was submitted that the petitioners themselves were victims of the alleged fraud, as the importers had failed to make payment for the goods supplied by the shipper. He also submitted that, as per the notice issued by the Customs authorities, the importers and Customs House Agents (CHAs) were required to intimate the shipping line regarding their choice of destination before filing the inward entry. In the present case, the CFS was selected by the importers. Therefore, it was contended that the selection of the CFS and the subsequent release of the cargo were matters beyond the control of Accused Nos. 4 to 12. The learned Senior Counsel accordingly submitted that the petitioners had neither participated in nor facilitated the alleged illegal release of the consignments and that the loss suffered by the shipper arose from the acts of the importers and the CFS, rather than from any criminal conduct on the part of the petitioners.

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8. The learned Senior Counsel appearing for the petitioners in Crl.O.P. Nos. 6164, 6225 and 4778 of 2026 submitted that Accused No. 18 (A18) was never a director of the CFS owned by M/s. Sical Multimodal and Rail Transport Limited (SMART) and, therefore, had no role in or connection with the allegations levelled in the FIR. It was further contended that no specific allegations had been made against the individual directors of SMART and that the allegations were general, vague and devoid of particulars establishing their individual involvement in the alleged offences. He further submitted that the registration of the FIR was nothing but an attempt to give a criminal colour to a dispute that was essentially civil in nature. It was contended that the containers had been entrusted to the CFS by the clearing agents of the importers and not by the shipper. The importers obtained delivery of the containers from the CFS in accordance with the requirements prescribed by the Customs authorities under the Customs Act, 1962. Under the said procedure, delivery of the imported goods could be effected only with the requisite permission of the Customs authorities. In such circumstances, it was submitted that the petitioners had no direct dealings with the shippers, liners or carriers and could not be held criminally liable merely on account of their alleged association with the CFS. The learned Senior

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Counsel also pointed out that the shippers had already initiated civil proceedings in the United Kingdom in respect of the dispute. On these grounds, the learned Senior Counsel sought to contend that the continuation of the criminal proceedings against the petitioners was unwarranted.

9. Upon perusal of the records and consideration of the submissions made by the de facto complainant and the learned Additional Public Prosecutor, it emerges that, by an email dated 12.09.2025, the de facto complainant had informed the carriers and liners that the CFS had released the cargo to the importers without obtaining the requisite delivery orders. According to the prosecution, the cargo could be released by SICAL only upon production of valid delivery orders issued by the respective carriers, which, in turn, could be issued only after the importers surrendered the original bills of lading. Therefore, all the accused persons, in furtherance of a criminal conspiracy, colluded with one another and facilitated the unauthorised release of the cargo without production of the requisite documents and without payment for the goods to the shipper. In fact, by an email dated 13.09.2025, the SICAL admitted that the cargo had been released erroneously without obtaining the original documents.

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10. Therefore, the allegations of conspiracy and the respective roles attributed to the accused, their individual involvement cannot be conclusively determined at this stage of the proceedings. The contentions advanced by the petitioners, including their claims of non-involvement and the absence of criminal intent, constitute matters of defence that require consideration in the light of the evidence collected during the investigation and, if warranted, at trial. This Court, while exercising its jurisdiction to consider the prayer for quashing the FIR, is not required to undertake a detailed examination of the disputed facts or to assess the merits of the rival contentions as though conducting a trial.

11. The Hon'ble Supreme Court of India in the case of ***Sau. Kamal Shivaji Pokarnekar vs. The State of Maharashtra & ors.,*** (***Crl.A.No.255 of 2019*** dated ***12.02.2019)*** reported in ***2019 (14) SCC 350*** held that the learned Magistrate while taking cognizance and summoning, is required to apply his judicial mind only with the view to taking cognizance of the offence whether a *prima facie* case has been made out for summoning the accused person. The learned Magistrate is not required to evaluate the merits of the materials or evidence in support of the complaint, because the Magistrate must not undertake the exercise to

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find out whether the materials would lead to conviction or not. Only in a case where the complaint does not disclose any offence or is frivolous, vexatious or oppressive, the complaint/FIR can be taken for consideration for quashment. If the allegations set out in the complaint do not constitute the offence of which cognizance has been taken by Magistrate, it can be considered for quashment. Therefore, it is not necessary that a meticulous analysis of the case should be done before the trial to find out whether the case would end in conviction or acquittal. If it appears on a reading of the complaint and consideration of the allegations therein, in the light of the statement made on oath that the ingredients of the offence are disclosed, there would be no justification to interfere. At the initial stage of issuance of process, it is not open to the Court to stifle the proceedings by entering into the merits of the contentions made on behalf of the accused. Therefore, the criminal complaint cannot be quashed only on the ground that the allegations made therein appear to be of a civil nature. If the ingredients of the offence alleged against the accused are *prima facie* made out in the complaint, the criminal proceeding shall not be interdicted.

12. Further the Hon'ble Supreme Court of India issued directions in the case of ***M/s.Neeharika Infrastructure Pvt. Ltd., Vs. State of***

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Maharashtra & ors., reported in ***2021 SCC Online SC 315,*** as follows :-

"23. .....

vi) Criminal proceedings ought not to be scuttled at the initial stage;

vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

.....

xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure;

.....

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of

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a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR; .....”

13. Therefore, the specific allegations levelled against the petitioners warrant a detailed investigation to ascertain their respective roles and the extent of their involvement in the alleged offences. It is well settled that an FIR is not an encyclopaedia of the entire prosecution case and need not contain all the details or evidence relating to the alleged offences. Hence, the FIR cannot be quashed at the threshold merely on the ground that every factual detail has not been set out therein. This Court finds that the allegations contained in the FIR, when considered as a whole, disclose, prima facie, the commission of cognizable offences warranting investigation. In such circumstances, this Court is not inclined to interfere with the investigation at this stage. It is for the investigating agency to proceed with the investigation in accordance with law, collect the relevant evidence, ascertain the role of each accused and unearth the truth behind the alleged offences by following the procedure prescribed under the applicable law.

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14. In view of the foregoing discussions, this Court is not inclined to quash the First Information Report registered in Crime No. 98 of 2025. Accordingly, all the Criminal Original Petitions are dismissed. Consequently, the connected miscellaneous petitions are closed.

28.10.2026

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

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To

1. Inspector of Police,
   Central Crime Branch,
   Avadi City, Chennai.

2. The Public Prosecutor,
   High Court of Madras,
   Chennai.

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G.K.ILANTHIRAIYAN, J.

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Crl.OP.Nos.33143 of 2025, 4193,
4778, 6164, 6225 & 6797 of 2026

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