



WEB COPY

CRL OP No. 8296 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

**CRL OP No. 8296 of 2026
and Crl.M.P.Nos.5895 & 5897 of 2026**

1. Albert John
S/o.Ambrose,
No.19, Malaiappan Street, Mandavelipakkam,
Chennai - 28.
2. Gracy John
W/o.Albert John,
No.19, Malaiappan Street, Mandavelipakkam,
Chennai - 28.

..Petitioner(s)

Vs.

1. The State represented by, Inspector of Police,
E-5, Foreshore Estate Police State (Crime),
Chennai.
2. Michael Stennet
S/o.S.J.Sebastian,
No.36/6, Perumal Koil 1st Street,
Kottur, Chennai - 600 085.

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.3460 of 2016 pending on the file of XXIII Metropolitan Magistrate, Saidapet Chennai and quash the same and thus render justice.

For Petitioner(s):

Ms.G.Uma Maheswari

For Respondent(s):

Mr.R.Rajasekaran
Counsel for Government of Tamilnadu
(Criminal Side) For R1
Mr.V.Kadhirvelu for R2



ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.3460 of 2016 pending on the file of XXIII Metropolitan Magistrate, Saidapet Chennai.

2. This Court, on 06.04.2026, had passed the following order:

“The petitioners / accused Nos.1 & 2 in CC.No.3460 of 2016 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai, facing trial for the offences punishable under Sections 406 and 420 of IPC, have filed this quash petition.

2.Mr.Leonard Arul Joseph Selvam, learned Additional Public Prosecutor takes notice for 1st respondent.

3.The contention of the petitioners is that the petitioners have been included in the case only to harass them, since the issue between the petitioners and the defacto complainant is a business dealing, which was for some reason could not proceed as planned and therefore a false case has been registered against them.

4.The learned Additional Public Prosecutor submitted that the petitioners earlier filed a quash application at the stage of FIR and it was dismissed and thereafter filed a discharge petition before the Trial Court and it was also dismissed. Aggrieved by



WEB COPY



the same, they filed revision before this Court and it was also dismissed. Thereafter the petitioners moved the Supreme Court and the Supreme Court had dismissed the petition. The evidence of PW1 had been recorded in part. At this stage, the petitioners have filed this petition to protract the case. The case is of the year 2014. It is almost 12 years over. Yet the case is unable to be proceeded.

5.The learned counsel for the 2nd respondent submitted that in this case, the amount involved according to the defacto complainant is Rs.23 lakhs and he had given a cheque for Rs.23 lakhs, which was dishonoured that is the admitted position of the petitioner. Out of Rs.23 lakhs, he already paid Rs.7 lakhs. If the balance amount with interest is being paid, the petitioners application can be considered as a compromise quash. He further produced the order passed by this Court in Crl.O.P.No.33197 of 2014 dated 24.08.2017 and Crl.R.C.No.2153 of 2025 dated 28.11.2025 and SLP(Crl.).No.3118 of 2026 dated 27.02.2026.

6.At this stage both the learned counsel for the petitioner and the learned Additional Public Prosecutor for 1st respondent submitted that the petitioners are ready to settle the issue by referring the matter to Mediation. Learned counsel for 2nd respondent opposed the same as already 12 years have been passed and there is no intention to settle the issue.



WEB COPY

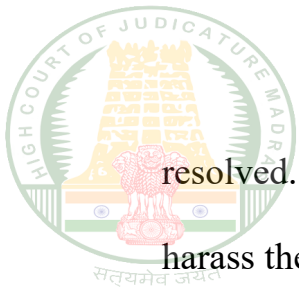


7. Since the defacto complainant is the Director of M/s. Megabarre Asia Pacific India Private Limited, and there was a dispute between them which arose out of business transaction, one last chance may be given to the parties to resolve the dispute between them by referring the matter to Mediation Centre. Hence, the matter may be referred to Mediation Centre attached to this Court and the mediation to be completed within a stipulated period of two months and after completion of mediation, report before this Court on 08.06.2026.

8. Till 08.06.2026, the Trial Court is directed not to proceed with the case in C.C.No.3460 of 2016.

9. Post this case on 08.06.2026. ”

3. The learned counsel for the petitioner submitted that this case is purely civil in nature and the same has been given criminal colour. It is not in dispute that both the petitioner and the defacto complainant are friends and both of them joined together and started a business. They availed loan from the bank. There was some misunderstanding and default in payment of loan amount which has been magnified as if the petitioner had committed cheating and misappropriation. He further submitted that for the same issue, the 2nd respondent adjudicated before the Company Law Board and the same was dismissed finding that it is purely a dispute between two partners, which can be

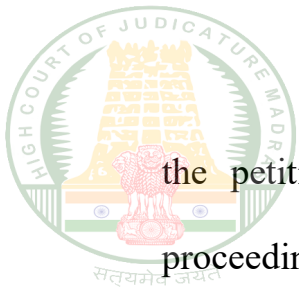


resolved. If this being so, the present petition is arm twisting, somehow to harass the petitioner, it has been filed.

WEB COPY

4. The learned counsel for Government of Tamilnadu (Criminal Side) would submit that on the complaint of the defacto complainant, a case has been registered, investigation completed and charge sheet has been filed, listing totally 18 witnesses as L.W's.1 to 18 and also collecting materials. He further submitted that the petitioner and the 2nd respondent / defacto complainant were friends and they have 50 – 50 share in the business and thereafter taken loan from the bank, to meet their business needs. However, the petitioner had misused and diverted the amount meant for the business and other purposes. The same was not known by the defacto complainant. The discharge petition filed by the petitioner got dismissed. Against which revision has been filed, the same has also been dismissed. The SLP preferred before the Apex Court against the dismissal of the revision also got dismissed at the initial stage. This petition has also been filed with the similar grounds and it is nothing but a second revision, in the name of Criminal Original Petition. Hence, it is a clear case of cheating and misappropriation and prayed to dismiss the petition.

5. The learned counsel for the 2nd respondent reiterated the submissions made by the 1st respondent. He would submit that the points raised by the petitioner are to be decided during the trial. In order to prolong the proceedings,

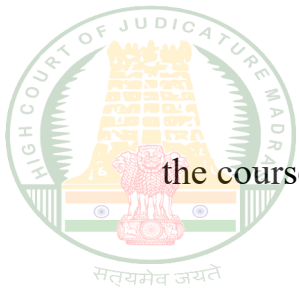


the petitioner has been filing one petition or the other, to drag on the proceedings. FIR was registered in the year 2014, finally charge sheet came to be filed in the year 2016. Now, it is almost 12 years from the date of offence and 10 years from the date of filing of the charge sheet before the Trial Court. Till date, trial has been stalled, for one reason or the other. Hence, he prayed to dismiss the petition with a direction to complete the trial within a stipulated time.

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

7. It is seen that the petitioner had earlier filed a discharge petition, which came to be dismissed by the Trial Court. The revision preferred against the said order was also dismissed and the Special Leave Petition filed before the Hon'ble Apex Court was not entertained. The grounds raised in the present petition are substantially the same as those raised earlier.

8. At this stage, this Court is not expected to conduct a meticulous examination of the materials collected by the prosecution. The charge sheet discloses specific allegations against the petitioner and the prosecution has cited 18 witnesses and collected documentary materials in support of its case. Whether the dispute is purely civil in nature or whether the ingredients of the offences alleged are made out are matters that can be adjudicated only during



the course of trial on the basis of evidence.

WEB COPY

9. In such circumstances, this Court does not find any ground to invoke its inherent jurisdiction under Section 528 of BNSS, to quash the proceedings. Accordingly, this Criminal Original Petition stands dismissed. Considering that the FIR was registered in the year 2014 and the final report was filed in the year 2016, the Trial Court is directed to expedite the trial and complete the same as expeditiously as possible, preferably within an outer limit of four months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

23-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

JER

To

1. The Inspector of Police,
E-5, Foreshore Estate Police State (Crime),
Chennai.
2. The XXIII Metropolitan Magistrate, Saidapet,
Chennai.
3. The Public Prosecutor
High Court of Madras.



WEB COPY

CRL OP No. 8296 of 2



M.NIRMAL KUMAR, J.

JER

CRL OP No. 8296 of 2026

23-06-2026