



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP Nos. 9974, 9978 and 9981 OF 2026

M/s. Cholamandalam MS General Insurance Co Ltd
Rep. By its Deputy General Manager,
Mr. Christone D.
Dare House, Old NO.234, New No.2,
NSC Bose Road, Parrys,
Chennai-600 001.

..Petitioner in all cases

Vs

1. State Represented by its Inspector of Police
Central Crime Branch I,
Chennai – CCB.
2. Lavanya.R
W/o. Sunil Kumar,
No.11/13, Nehru Street,
Kannappar Nagar, Arumbakkam,
Chennai-600 106.
3. Janani
W/o. Balaji,
No.10, Raja Street,
Royal Apartment, Saligramam,
Chennai-600 093.
4. Sudharsan Babu
S/o. Singarayar,
No.16/12, Vadakku Kallaar Street,
Musiri, Tiruchi-621 211.
5. Omera Dafiya
W/o. Thameem Ansari,
Flat No.A2/26, Lake Side Apartment, Phase-I,
No.52, Ambattur Puzhal Road, Puzhal,
Chennai-600 066.



6. Arun Pandiyan
S/o. Ilangovan,
No.D5, H6 Twin Rose Apartment,
Thiruvanmiyur, Chennai-600 041.

..Respondents in all cases

Prayer in CRL OP No. 9974 of 2026: Criminal Original Petition filed under Section 528 of BNSS, praying to allow this petition and pass an order for speedy disposal of the proceedings in Discharge Petition filed by the 6th Respondent/5th Accused in Crl.M.P.No.4218 of 2024 in C.C.No.6020 of 2023, pending on the file of learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Cases at Egmore, within the time frame to be fixed by this Court.

Prayer in CRL OP No. 9978 of 2026: Criminal Original Petition filed under Section 528 of BNSS, praying to allow this petition and pass an order for speedy disposal of the proceedings in Discharge Petition filed by the 5th Respondent/4th Accused in Crl.M.P.No.64983 of 2024 in C.C.No.6020 of 2023, pending on the file of learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Cases at Egmore, within the time frame to be fixed by this Court.

Prayer in CRL OP No. 9981 of 2026: Criminal Original Petition filed under Section 528 of BNSS, praying to allow this petition and pass an order for speedy disposal of the proceedings in Discharge Petition filed by the 3rd Respondent/2nd Accused in Crl.M.P.No.43898 of 2024 in C.C.No.6020 of 2023, pending on the file of learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Cases at Egmore, within the time frame to be fixed by this Court.

**In all cases**

For Petitioner : Mr.Arfat Mohammed.A

For Respondent-1: Mr.R.Rajasekaran
Government Advocate (Crl. Side)

For Respondent-2: Mr.J.Pathiban

For Respondent-3: Mr.J.Srinivasan

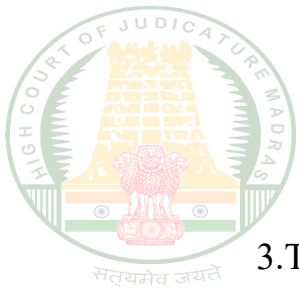
For Respondent-5: Mr.N.Senthil Kumar

For Respondent-6: Mr.S.Conscious Ilango

COMMON ORDER

The de facto complainant in C.C.No.6020 of 2023, pending on the file of Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Cases at Egmore, had filed these petitions against the discharge petitions filed by A5, A4 and A2 in Crl.M.P.No.4218 of 2024, Crl.M.P.No.64983 of 2024 and Crl.M.P.No.43898 of 2024, respectively.

2.The learned counsel for petitioner submitted that the only plea of the petitioner/de facto complainant is that the discharge petitions filed in the year 2024 and thereafter for some reason or other, the accused, who had filed discharge petitions, are taking time and trial Court is also liberally adjourning the case by giving long dates, hence filed the above petitions.

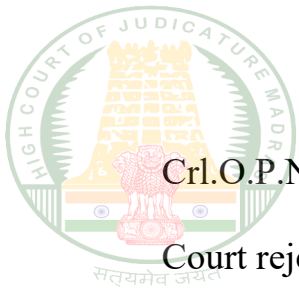


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3. The learned counsel further submitted that in this case there are totally five accused, already three accused/A2, A4 & A5 filed discharge petitions, the other two accused have foregone their right to file discharge petition in view of Section 262 of BNSS. On an interpretation of Section 262 of BNSS, there is a specific bar that an application for discharge must be filed within a period of 60 days from the date of supply of the copies of the documents under Section 230 of the BNSS. Hence, no further discharge petition can be filed. Further, the BNSS also prescribes a timeline for the disposal of the discharge petition, which was not adhered to in this case. Hence, appropriate direction to be given to the trial Court.

4. The learned counsel for the 6th respondent/A5 submitted that he had filed a petition under Section 91 of Cr.P.C. seeking for certain documents. In view of the same, the discharge petition is pending and only on 22.06.2026, the learned Public Prosecutor filed counter to the discharge petition, hence there was a delay.

5. The learned counsel for 5th respondent/A4 submitted that in this case, the de facto complainant is attempting to conduct the trial. It is the police case, he can only assist the prosecution, he cannot file a petition and conduct the trial on its own. In fact, the petitioner filed a petition before this Court in



Crl.O.P.No.1855 of 2026 for speedy disposal of C.C.No.6020 of 2023 and this Court rejected the same.

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6. The learned counsel for 3rd respondent/A2 submitted that it is only the de facto complainant, who is taking the driver seat, conducting the trial and not the Prosecutor, hence, he has got objection. He further submitted that the 3rd respondent is ready to argue the discharge petition.

7. Considering the submissions made and on perusal of the materials, it is seen that the accused, namely, A2, A4 and A5 all admit that they filed a discharge petition, which is pending for quite some time and all are ready to advance their arguments without further delay on the next hearing date on 16.07.2026. The learned Government Advocate, on instructions, submitted that the Assistant Public Prosecutor for the concerned case would also argue on the same day without seeking any time. In view of the same, the trial Court is directed to hear the submissions of the accused and de fact complainant in the discharge petition and pass orders within a period of 15 days thereafter. It is made clear that the discharge petitions to be heard on the materials, which has been filed before the trial Court along with final report and nothing more.

8. It is also to be seen that the trial Court for the reasons best known had entertained the petition under Section 91 Cr.P.C. filed by the 6th respondent/A5



and ordered notice and the learned Public Prosecutor filed his counter. The trial Court is reminded of the dictum and direction given by the Hon'ble Apex Court in the case of *State of Orissa vs. Debendra Nath Padhi* reported in (2005) 1 SCC 568.

9. With the above directions, these Criminal Original Petitions are disposed of.

23-06-2026

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

To

1. The Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to Cheating Cases in Chennai) and CBCID Cases at Egmore.
2. The Inspector of Police
Central Crime Branch I,
Chennai – CCB
3. The Public Prosecutor,
High Court, Madras.



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CRL OP Nos. 9974, 9978 and 9981 OF 2



M.NIRMAL KUMAR J.

RSI

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