IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-02-2026

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THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL RC No. 2811 of 2025

AND

CRL MP NO. 24407 OF 2025

Maya Challani
Partner of M/s. Challani Ranka Jewellery,
No. 119, First Floor,
NSC Bose Road,
Chennai -79.

..Petitioner(s)

Vs

The State Rep by, The Inspector of Police,
EDF-II, Beta-III,
Central Crime Branch,
Vepery, Chennai - 600 007.

..Respondent(s)

PRAYER : Revision filed under Section 438 r/w Section 442 of BNSS, to call for the records of the order dt. 27.11.2025 passed in Crl.M.P.No. 5519/2025 in C.C.No. 3068/2024 on the file of the Learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (relating to Cheating Cases in Chennai) and CBCID Metro Cases at Egmore, Chennai and set aside the same.

For Petitioner(s): Mr.T.Gowthaman, Senior Counsel for
Mr.S.A.Sayed Shuhaibb

For Respondent(s): Mr.R.Vinoth Raja,
Govt. Advocate (Crl.Side)

Order

Revision challenges the dismissal of the discharge petition filed by the petitioner who is facing prosecution for the offence under Sections 406, 420 and 506(i) r/w 34 of IPC. The Trial Court has dismissed the discharge petition on the ground that the points raised by the petitioner cannot be decided at the stage of charges framed and it can be adjudicated only during the trial.

2. The case of the prosecution is that the petitioner along with her husband who are the partners of the firm called 'M/s.Challani Ranka Jewellery', had purchased silver and gold jewels to the tune of Rs.1,10,35,566/- through invoice dated 14.08.2020 from the defacto complainant; that the accused persons in turn issued 36 cheques from the account of the first accused Firm knowing well that the account has been frozen pursuant to the action taken by the Enforcement Director; and hence, the petitioner along with her husband had committed an offence under Sections 406, 420, 506(i) r/w 34 of IPC.

3. The petitioner, who is the wife of the second accused, has sought discharge from the case before the Trial Court on the ground that she had nothing to do with the affairs of the Firm and that there is no evidence to show that she is a partner of the Firm; that in a complaint under Section 138 of Negotiable Instruments Act filed by the defacto complainant against the Firm,

he had given up the petitioner; and that in the suit filed by the defacto complainant against the Firm and its partners, this Court had held that since the petitioner was not a partner in the Firm at any point of time, her name should be struck off from the array of defendants; and that in the absence of evidence, the petitioner cannot be prosecuted and prayed for discharge.

4. The Trial Court dismissed the discharge petition by the impugned order.

5. The learned counsel for the petitioner reiterated the submissions made before the Trial Court and would submit that in the absence of any material to show that the petitioner is a partner of the Firm, the Trial Court ought to have allowed the discharge petition and prayed to allow this Revision.

6. The learned Government Advocate (Crl.Side) appearing for the respondent, per contra, submitted that the evidence reveals that the petitioner along with her husband had purchased the silver and gold jewellery from the defacto complainant and issued cheques; and that therefore, the question of whether the petitioner had assisted her husband and had committed the offence cannot be adjudicated at this stage and prayed for dismissal of Revision.

7. As stated above, the case of the prosecution is that the petitioner along with her husband had issued 36 cheques towards their liability to the defacto complainant, though the account was frozen by the Enforcement Director. Admittedly, the petitioner has not signed the cheque. In the proceedings under Section 138 of the Negotiable Instruments Act, initiated by the respondent, the respondent himself had withdrawn the case against the petitioner in STC.No.3866 of 2022 which has been recorded by the Fast Track Court – IV, George Town, Chennai.

8. It is also seen that in a suit filed in C.S.No.361 of 2020 on the file of this Court, by the defacto complainant against the Firm and its partners, this Court had found that no documents have been filed by the defacto complainant to show that the petitioner was a partner in the Firm at any point of time. Therefore, this Court had passed orders to strike off the name of the petitioner from the array of defendants in the said suit by the order dated 25.10.2021.

9. The perusal of the charge sheet shows that the petitioner is sought to be prosecuted only because she is the wife of A2 who is the Managing Partner of the Firm. There is no other evidence to suggest that the petitioner was aware of the alleged acts of A2 in deceiving the defacto complainant. In such circumstances, considering all the above facts, this Court is of the view that

there is no *prima facie* material available as against the petitioner and hence, the petitioner is entitled to be discharged from the criminal case.

10. In view of the above observations, this Criminal Revision Case is allowed and the order passed in Crl.M.P.No.5519 of 2025 in C.C.No.3068 of 2024 dated 27.11.2025 is set aside. It is open to the Trial Court to proceed against the other accused in accordance with law. Consequently, connected Criminal Miscellaneous Petition is closed.

23-02-2026

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

GSK

SUNDER MOHAN J.

GSK

To

1.The Inspector of Police,
EDF-II, Beta-III,
Central Crime Branch,
Vepery, Chennai - 600 007.

2.The Metropolitan Magistrate for Exclusive Trial of CCB Cases and CBCID Metro Cases,
Egmore, Chennai.

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