

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.11601 of 2016

and CRL.MP.Nos.5903 and 5906 of 2016

R.Suresh Kumar Petitioner/Accused No.6

Vs

1.The State rep by
The Deputy Superintendent of Police,
EOW-II, Anna Nagar,
Cr.No.5/2015,
Chennai-40.

2.Dr.R.Ranjith Chithuri ... 1st Respondents/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to to call for the records and to quash the proceedings in Cr.No.5 of 2015 on the file of the respondent in so far as the petitioner/ 6th accused is concerned.

For Petitioner : Mr.E.J.Ayyappan
For 1st Respondent : Mr.C.Emalias, APP

O R D E R

This petition has been filed to quash the proceedings in Cr.No.5 of 2015 on the file of the respondent in so far as the petitioner/6th accused is concerned.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the 1st respondent and perused the materials placed on record.

3. On a complaint lodged by one Dr.Ranjith Chithuri, the respondent has registered a case in Crime No.5 of 2015 for offences under Section 5 of the TNPID Act, 1997 and Section 420 IPC against 7 persons, namely, 1.Helias and Mathesan Information Technology Ltd., Cybessale, 16:02:01 Mahindra World City,

Chennai 2.G.K.Murali Krishna, Managing Director, 3.Divakar Sai Yera, Director, 4.Srinivasa Rao Sistla, Director, 5.Shashi Kishore Patil, Director 6.Suresh Kumar Rajasekaran, Director and 7.V.Ramachandran, Ex-Chairman. Challenging the FIR, the petitioner-Suresh Kumar [A6] has approached this Court contending that he was associated with the 1st accused Company only for a brief period from 14.02.2014 to 25.05.2015 and he has been roped into the prosecution, though he was not part of the company, when the alleged occurrence had taken place.

4. In this regard, the 1st accused Company filed W.P.No.14664 of 2015 challenging the same FIR and this Court dismissed the writ petition on 06.08.2015, which order was confirmed by the Division Bench of this Court in W.A.No.1227 of 2015 on 28.08.2015. The matter was carried over to the Supreme Court in CrI.A.No.1270 and 1271 of 2015 and the Hon'ble Supreme Court has confirmed the orders of this Court.

5. As regards the contention of Mr.Ayyappan, learned counsel for the petitioner that the petitioner was not involved in the offence, as he is associated with the 1st accused-Company only for a brief period as stated above.

6. Learned Additional Public Prosecutor submitted that during the course of investigation, the police have obtained materials to show about the active involvement of the petitioner in the offence. Learned Additional Prosecutor also submitted that this petitioner was granted anticipatory bail, but whereas, he has not complied with the conditions imposed.

7. Be that as it may, the Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335 has laid down the parameters for quashing the FIR. This Court cannot go into disputed question of facts in a petition under Section 482 Cr.P.C. Hence, this is not a fit case to quash the FIR at the threshold. However, the respondent police is directed to conduct an unbiased investigation and during the course of investigation, if it is found that this petitioner was not associated with the company, when the alleged offence took place, it is needless to state that his name shall be excluded in the final report.

With the above observation, this petition is closed.
Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

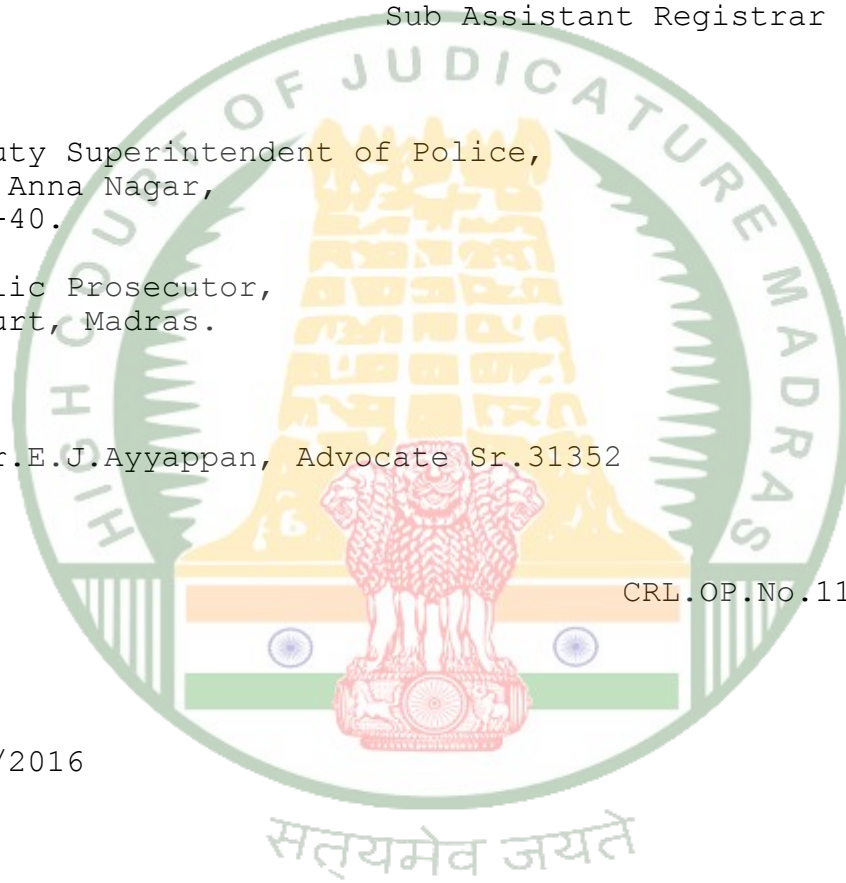
1.The Deputy Superintendent of Police,
EOW-II, Anna Nagar,
Chennai-40.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.J.Ayyappan, Advocate Sr.31352

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