

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 25.10.2016
CORAM:
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Criminal Original Petition No.22300 of 2016
and
Crl.M.P.Nos.10369 & 10370 of 2016

1.M.L.Mohanraj
2.R.Yuvaraj
3.K.Sankaranarayanan

... Petitioners 1 to 3/Accused 1 to 3

-Versus-

1.State Rep. by
The Assistant Commissioner of Police,
Cyber Crime Cell,
Central Crime Branch,
Egmore, Chennai 600 008.1st Respondent/Complainant

2.Vi Microsystems Private Limited,
Rep. by its Manager Mr.Nachiyappan,
Plot No.75,Electronics Estate,
Perungudi,
Chennai 600 096.2nd Respondents/Defacto
Complainant

Prayer: This petition is filed under Section 482 Cr.P.C. call for the entire records relating to the case in C.C.No.358 of 2009 pending on the file of the learned Judicial Magistrate No.I, Poonamallee and to quash the said case.

For Petitioners : Mr.N.Raja Senthoo Pandian

For Respondent : Mr.C.Emalias, APP for R1

Mr.S.Pushpakaran for R2

ORDER

This original petition has been filed seeking to quash the case in C.C.No.358 of 2009 pending on the file of the learned Judicial Magistrate No.I, Poonamallee, Tiruvallur District.

2. On the complaint lodged by Mr.Nachiyappan, Manager, M/s.Vi Microsystems Private Limited, Perungudi, Chennai, the 1st respondent police has registered a case in Crime No.753 of 2006 on 25.09.2006 and after completing investigation, filed a final report in C.C.No.358 of 2009 before the learned Judicial Magistrate No.I, Poonamallee for offences under Sections 120(B),

408 of IPC and Section 66 of the Information Technology Act, 2000 against the petitioners and one another challenging which the petitioners are before this court for quashing the final report on the ground that themselves and the 2nd respondent company arrived at a compromise.

2. Today, Mr.S.Anbalagan, Inspector of Police, Cyber Crime Cell, Chennai, is present in court.

3. The learned counsel for the 2nd respondent/de facto complainant submitted that when the complaint was lodged in the year 2006 Nachiappan was the Manager of the Company and now he left from service. According to him, D.Venkatesan, Deputy Manager - Production, has been authorised by the company to represent on behalf of the company.

4. D.Venkatesan, Deputy Manager - Production is present. He has been identified by the Inspector of Police, Cyber Crime Cell, Chennai. D.Venkatesan has also filed a board resolution dated 06.07.2016 wherein he has been authorised to represent the company before this court.

5. The learned counsel for the 2nd respondent has filed an affidavit sworn-in by the 2nd respondent/de facto complainant, wherein paragraphs 2, 3 and 4 read as follows:-

"2.The Second Respondent company has lodged a complaint in Crime No.753/2006 on the file of First Respondent alleging that petitioners and one other person, namely K.Jayanthi, who were erstwhile employees of the Second Respondent company, had committed offences punishable under Sections 120(B), 409 of IPC and Section 66 of IT Act, 200, which culminated in to filing of charge sheet before the jurisdictional Court J.M.I, Poonamallee and the said Hon'ble Court had taken on file by assigning C.C.No.358 of 2009.

3. I submit that petitioners and the Second Respondent company had mutually agreed to settle the matter amicably and in pursuance of it the Second Respondent is not willing to prosecute the case any further and agreed to withdraw the complaint dated 05.09.2006. The Second Respondent has not received any consideration for arriving this compromise/compounding of offence.

4. In view of the above the Second Respondent company has no objection to allow the above Criminal Original Petition to Quash the Charge Sheet in C.C.No.358 of 2009 pending

on the file of the Learned Judicial Magistrate-I, Poonamallee."

6. Apart from the above, today, the learned counsel appearing for the petitioners and the learned counsel appearing for the 2nd respondent submitted that the petitioners and the 2nd respondent volunteer to pay some amount for the public cause.

7. In view of the above, the Criminal Original Petition is allowed and the case in C.C.No.358 of 2009 pending on the file of the learned Judicial Magistrate No.I, Poonamallee, Tiruvallur District, is hereby quashed in its entirety. The 2nd respondent - Vi Microsystems Private Limited is directed to pay a sum of Rs.10,000/- and the petitioners are directed to pay a sum of Rs.5,000/- each to the Tamil Nadu State Judicial Academy, Chennai 600028 within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected MPs are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

TO

1.The Assistant Commissioner of Police,
Cyber Crime Cell, Central Crime Branch,
Egmore, Chennai 600 008.

2.The Judicial Magistrate No.I,
Poonamallee, Tiruvallur District.

3.The Director,
Tamil Nadu State Judicial Academy,
Chennai 600028.

4.The Public Prosecutor High Court Madras

+1 cc to Mr.Pushpakaran Advocate sr 61331

+1 cc to Mr.N.Raja Senthoo Pandian Advocate sr 60932

CrI.O.P.No.22300 of 2016

pk(co)
aa23/11/2016