

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.5206 of 2017

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings against the petitioner/sole accused in Crime No.141 of 2017 on the file of the Station House Officer, Cyber Crime Police Station, Hyderabad, registered for the offence punishable under Section 66 read with 43 of the Information Technology (Amendment) Act, 2008.

2. The learned counsel for the petitioner submitted that the allegations made in the complaint do not constitute any offence much less the offence alleged to have been committed by the petitioner. He further submitted that the petitioner informed to the second respondent that he wants to leave the company in the month of May, 2017; therefore the second respondent foisted a false case.

3. The learned Assistant Public Prosecutor submitted that the allegations made in the complaint *prima facie* constitute the offence alleged to have been committed by the petitioner.

4. A perusal of the record reveals that the petitioner is the sole accused and the second respondent is the *de-facto* complainant in Crime No.141 of 2017. It further reveals that the petitioner joined the second respondent – company as a Software Engineer in the month of September, 2016 with I.D.No.033.

5. As per the allegations made in the complaint, the petitioner downloaded certain information from highly sensitive data by

taking advantage of his employment. It is further alleged that the petitioner committed criminal breach of trust with an intention to cause loss to the second respondent – company.

6. Whether the petitioner has downloaded the information from highly sensitive data or not will come to light during the course of investigation. While exercising the inherent power under Section 482 Cr.P.C., the Court has to take into consideration the allegations made in the complaint only. The Court is not justified in embarking upon an enquiry as to probability, reliability or genuineness of the allegations made in the complaint at the initial stage of investigation. The material placed before the Court is *prima facie* sufficient to investigate into the matter in order to ascertain the truthfulness or otherwise of the allegations made in the complaint.

7. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**¹, **State of Haryana v. Bhajan Lal**², **V.Y.Jose v. State of Gujarat**³ and **Teeja Devi v. State of Rajasthan**⁴, I am of the considered view that it is not a fit case to quash the criminal proceedings at the threshold.

8. Taking into consideration the facts and circumstances of the case and also the principle enunciated by the Supreme Court in **Arnesh Kumar v. State of Bihar**⁵, the Station House Officer, Cyber Crime Police Station, Hyderabad, is hereby directed to follow

¹ AIR 1960 SC 866

² AIR 1992 SC 604

³ (2009) 3 SCC 78

⁴ 2015 (1) ACR 564 (SC)

⁵ (2014) 8 SCC 273

the procedure as contemplated under Section 41A Cr.P.C. in Crime No.141 of 2017 so far as the petitioner/sole accused is concerned.

9. With the above direction, the Criminal Petition is disposed of.

10. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 05.07.2017
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