

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM:

THE HON'BLE MR.JUSTICE B. PUGALENDHI

Crl.O.P.No.20487 of 2011
and
M.P.Nos.1 and 2 of 2011

D.Amudharajan Petitioner/Sole Accused

/Vs/

1. State represented by :
The Assistant Commissioner of Police,
Cyber Crime Cell,
Central Crime Branch,
Egmore, Chennai-8.
2. P.R. Vijayakumar,
Project Manager,
ASE Deriga Soft Pvt., Ltd.,
377, Anna Salai,
Chennai - 600 018. Respondents/Complainant

[2nd respondent is impleaded as per the order dated 30.06.2017 made in Crl.M.P.No.8175 of 2017]
Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records in C.C.No.3803 of 2010 on the file of the XI Metropolitan Magistrate Court, Saidapet, Chennai-15, and quash the same.

For Petitioner/Accused: Mr.R.John Sathyan

For Respondent No.1 : Mr.T.Shunmuga Rajeswaran
[Government Advocate (Crl. Side)]

For Respondent No.2 : Mr.K.Shakespeare

O R D E R

This Criminal Original Petition has been filed by the petitioner to quash the proceedings pending against him in C.C.No.3803 of 2010 on the file of the learned 11th Metropolitan Magistrate, Saidapet, Chennai - 15.

2. The case of the prosecution is that the petitioner herein was employed under the second respondent and during this employment, the petitioner was assigned with the work of developing plug-in-tool, based on Vector works software. After leaving the said employment, it is alleged that the petitioner has fraudulently copied the works of the second respondent and therefore, the present case has been registered as against him.

3. According to the petitioner, after leaving the establishment, he developed some software out of his exclusive knowledge and intelligent over which the complainant cannot have any claim. On the other hand, it is the case of the prosecution that the plug-in tool, which is claimed to have been developed by the petitioner, was actually developed by the company on 17.02.2004 itself. This tool has been copied by the petitioner and he is now attempting to sale the same.

4. Be that as it may, after some rounds of heated arguments, the counsel on either side arrived at a compromise to quash the impugned proceedings, on condition that the petitioner shall not use the software, which is the subject matter of C.C.No.3803 of 2010. The petitioner as well as the second respondent, along with their respective counsel, have made an endorsement to that effect in the Court bundle.

5. The learned Government Advocate (Crl. side) submitted that since the parties have arrived upon a compromise, no useful purpose will be served in conducting the trial.

6. Under such circumstances, recording the endorsement made by the parties as well as the respective counsel, this criminal original petition is allowed and the proceedings pending against the petitioner in C.C.No.3803 of 2010 on the file of the learned 11th Metropolitan Magistrate, Saidapet, Chennai - 15, stands quashed. Consequently, connected miscellaneous petitions are closed.

s/d-

Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

msm

To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai-15.

2.The Public Prosecutor
High Court,Madras 104.

3.The Assistant Commissioner of Police
Cyber Crime Cell, Central Crime Branch, Egmore, Chennai 8.

+1 CC to Mr.K.Shakespeare Advocate sr 85971.

Crl.O.P.No.20487 of 2011

RSK (CO)
SP (30/07/2019)



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