

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6368 of 2018

Dr.S.P.Subramaniyan

... Petitioner

Vs.

1 State rep.by
Superintendent of Police,
Central Bureau of Investigation,
Anti-Corruption Bureau
Shastri Bhavan, Chennai-600 006.

2 G.R.Kaliaperumal Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for records culminated in FIR in RC MA1 2018 A001, dated 31.01.2018, on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr. R.Prabhakaran

For R.1 : Mr.K.Srinivasan
Special Public Prosecutor

ORDER

This Petition is filed for seeking direction to call for the records pertaining to FIR in RC MA1 2018 A001, dated 31.01.2018 and to quash the same.

2 Perusal of the First Information Report indicates that the petitioner namely Dr. S.P.Subramaniyan serving as Deputy Controller/ Branch head at office of the Patents and Designs, had demanded Rs.10,00,000/- from Kaliaperumal (A-3) to decide the case in favour of him regarding the patent right. It appears that A-3, Kaliaperumal was accorded patent right for his invention "A Composition, Ornamental Plaster mould and not a method for preparing the said mould thereon", after paying a sum of Rs.3 lakhs to A1 and A2. Thereafter, A-3 has issued notice to four firms alleging violation of his patent right. In the said dispute, A-1, the petitioner herein and A-2, Madhusudhan have demanded a sum of Rs.10,00,000/- on 09.06.2017. Since A-3 has paid only a sum of Rs.3,00,000/- to get the patent and not paid the sum of Rs.10,00,000/- as demanded by A2, he had revoked the patent right granted in favour of A3.

3 Based on the reliable information cited above, the respondent has registered First Information Report on 31.01.2018 and had taken up investigation. The petitioner herein alleging that there was animosity between him and A3 which has led to the registration a complaint with CBI. In support of his submission, he also relied upon the copy of private complaint filed by him against A3.

4 The learned counsel appearing for the petitioner submits that the private complaint though presented before the Magistrate Court on 19.12.2017, it was not taken on file. Based on the receipt of the information from the reliable source, CBI has registered the complaint and started investigation. Since, the investigation is in nascent state, it is not permissible under law put spoke in the course of investigation. It is always open to the petitioner to appear before the investigation officer as and when summoned and put forth his case. Since, the plea raised does not fall within any of the parameter mentioned in the case of Bhajanlal Vs. State of Haryana reported in 1992 AIR 604, this Court is not inclined to entertain this petition. Hence, the petition stands dismissed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rpl
To

- 1 The Superintendent of Police,
Central Bureau of Investigation,
Anti-Corruption Bureau
Shastri Bhavan, Chennai-600 006.
 - 2 The Special Public Prosecutor for CBI cases,
High Court, Madras.
- + 2 ccs to Mr. K. Srinivasan, Advocate Sr.16124

(CS-III)
EU(16/03/2018)

CrI.O.P.No.6368 of 2018