

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. Nos.9978 and 12774 of 2018

Crl.M.P. No.5108 of 2018

1. G. Sathish Babu
2. K. Muthukumar
3. Athiyappan
4. Arunachalam Muthukumar

Petitioners in Crl.O.P.9978/2018

1. T. Shivakumar
2. PE - Aristi Projects and Engineering Pvt. Ltd.
having its Regd. Office at Guna Complex
Annexe - I, VI Floor, D. No.443 & 445
Anna Salai, Teynampet
Chennai 600 018
represented by Satish Babu

Petitioners in Crl.O.P.12774/2018

vs.

1. State, represented by
the Inspector of Police
Central Crime Branch Team - I
Vepery, Chennai 600 007

2. D. Sampath Kumar
Design Manager / Authorised Representative
Citec Engg. India Pvt. Ltd.
SKCL Central Square II, IV Floor
Thiru.Vi.Ka. Industrial Estate
Guindy, Chennai 600 032

Respondents in both the Crl.O.Ps.

Criminal Original Petitions filed under Section 482 Cr.P.C.
to call for the records of the 1st respondent in Cr.No.170 of
2016 on the file of the 1st respondent and quash the same
against all the petitioners herein.

For petitioners : Mr.R.Perumal Raj
For R1 : Mrs.Kritika Kamal, P
Government Advocate [Crl.Side]
For R2 : Mr.Sairam
for Mr.Keerthikiran

C O M M O N O R D E R

These petitions have been filed to call for the records on the file of the 1st respondent in Cr.No.170 of 2016 and quash the same against all the petitioners herein.

2. Today Mr.Beer Bhasa, CCB, Chennai, Cyber Crime is present.

3. Heard Mr.R.Perumal Raj, learned counsel for the petitioners, Mrs.Kritika Kamala, P., learned Government Advocate [Crl.Side] for the State and Mr.Sairam, learned counsel for the de facto complainant.

4. On the complaint lodged by the second respondent, the first respondent registered a case in Cr.No.170 of 2016 on 25.10.2016 under Section 408 IPC and Section 66 of the Information Technology Act, 2000 against five named accused and unnamed others, for quashing which, A1 and A3 to A7 are before this Court.

5. On a reading of the FIR, it is seen that the de facto complainant is into engineering business and are specialists in designing equipments for thermal power stations. It is alleged by the de facto complainant that the accused are the ex-employees and that between May 2014 and August 2015, they had stolen certain confidential information and designs which were entrusted to them in trust and that they established their own units in the name of their wives. It is seen that this Court has quashed the FIR in Crl.O.P.No.28805 of 2017 dated 16.02.2018 as against Maheshwaran [A2], on the following finding:

"4. On overall reading of the complaint, it is further seen that the averments made therein are under surmises. The defacto complainant seems to be aggrieved, since the petitioner herein had joined in the competitive company. The complaint has been lodged not only against the petitioner but also against other accused and the investigation is yet to be completed even after the period of 18 months, thereby depriving of his fundamental right for speedy trial. The delay in completing the investigation is inordinate. Apart from that, there is no explanation as to why there is a delay in lodging the FIR.

5. At this juncture, learned Government Advocate (crl. side) on instructions from the first respondent submitted that the investigation sofar held reveals that the offence alleged in the FIR has not been made out. In view of the above position, it would not be appropriate to proceed with the investigation.

6. In the result, the proceedings in Crime No.170 of 2016 on the file of the first respondent is hereby against the petitioner/second accused is quashed. Hence, the present Criminal original Petition stands allowed. Consequently, connected miscellaneous petition is closed."

6. On instructions, learned Government Advocate [Crl.Side] submitted that investigation conducted so far revealed that the data which the accused are said to have stolen were secure with the de facto complainant during the relevant point of time and that there was no possibility of the accused hacking the source code. If that is so, the respondent police is directed to complete the investigation within a period of three months from the date of receipt of a copy of this order and file the necessary closure report before the jurisdictional Magistrate so that the de facto complainant would have an opportunity to rebut the findings by filing protest application.

With the above direction, these petitions are closed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

gms

To

1.The Inspector of Police
Central Crime Branch Team - I
Vepery, Chennai 600 007

2.The Public Prosecutor
High Court, Madras.

+2 Ccs to Mr. Perumalraj, Advocate sr 43653 & 43654.

Crl.O.P. Nos.9978 & 12774 of 2018

SS(CO)
SP(18/07/2018)

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