

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRL.O.P.No.28805 of 2017

M.Maheswaran

...Petitioner

Vs

1.State represented by:

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

2.D.Sampath Kumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records of the first respondent in Crime No.170 of 2016 on the file of the first respondent.

For Petitioner : Mr.R.Perumal raj

For Respondent-1: Mrs.Kritika kamal.P
Government Advocate (Crl. Side)

O R D E R

This Petition has been filed by the petitioner/ second accused to quash the proceedings in Crime No.170 of 2016 on the file of the first respondent.

2. The grievance of the defacto complainant is that the petitioner herein along with other employees conspired and stolen valuable and confidential information and data of the defacto complainant's company and thereby committed the criminal breach of trust.

3. The learned counsel for the petitioner by referring the complaint submitted that the occurrence is said to be have done between 27.08.2015 and 31.08.2015. However, on the perusal of the relieving letter of the petitioner, it is seen that the petitioner had resigned from the company way back in the year 2014 i.e., on 11.08.2014 itself. For an occurrence that took place in the year 2015, a complaint said to be made in the year

2016 i.e., nearly after two years from the date of the resignation of the petitioner.

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.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to R. Perumal Raj, Advocate SR.12378

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(CS-DR)
EU(02/03/2018)