IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.Nos.8976 & 8977 of 2015
and M.P.Nos.1, 1, 3 & 3 of 2015

1. R.Raju
2. Geoffrey George ... Petitioners in Crl.O.P.No.8976 of 2015

1.M/s.Wipro Limited,
Represented by its Authorised Signatory,
Mrs.Pritam Divakar Shetty,
Manager,
Doddakannelli Sarjapur Road,
Bangalore 560035
2.Sunder Chander ... Petitioners in Crl.O.P.No.8977 of 2015

.Vs.

Krishnakumar Iyer ...Respondent in both Crl.O.P.'s.

COMMON PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in the complaint filed by the respondent in C.C.No.805 of 2013 on the file of the Hon'ble Judicial Magistrate, Alandur, Chennai and quash the same as against the petitioners herein.

For Petitioners in both Crl.O.P.'s : Mr.Krishna Srinivasan for M/s.Rama Subramanian Associates

For Respondent in both Crl.O.P.'s : Mr.R.Baskar

COMMON ORDER

These petitions have been filed to quash the proceeding in C.C.No.805 of 2013 on the file of the Hon'ble Judicial Magistrate, Alandur, Chennai.

2. Mr.Krishna Srinivasan, the learned counsel for the petitioners submitted that the petitioners are arrayed as A1 to A4. The respondent filed the private complaint as against the petitioners and the learned Judicial Magistrate, Alandur has taken cognizance for the offence under Sections 120 (b), 420, 500, 506(ii) I.P.C. r/w 34 I.P.C. in CC.No.805 of 2013 only to extract money. The present complaint has been filed against the petitioners and it is nothing but abuse of process of Court and it is liable to be quashed. There is absolutely no averments to attract the offence under Sections 120 (b), 420, 500, 506(ii) I.P.C. r/w 34 I.P.C. as against the petitioners. He further submitted that to constitute offence under Section 499 I.P.C. thereby there should be specific averments that the petitioners by their conduct had harmed the reputation of the complainant in the estimation of others. He further submitted that in the entire complaint nowhere stated that the reputation of the complainant has been harmed in the estimation of others. Therefore, there is absolutely no averments to attract the said offence and the complainant has no locus to stand further. He further submitted that the petitioners would fall in the 7th and 8th exceptions of Section 499 I.P.C. Therefore, the complaint cannot be sustained as against the petitioners. The entire issue is purely civil dispute between the employer and the employee. The respondent was being terminated on account of unsatisfactory performance is trying to harass the petitioners and to extract money from the petitioners and it is also evident from the legal notice dated 15.05.2013 wherein the respondent has claimed compensation of Rs.100 lakhs. Therefore, the entire complaint is false and foisted one and he prayed for quashment of the entire proceedings in C.C.No.805 of 2013. He further relied upon the following judgments to support his case.

1. In the case of Binod Kumar and Others Vs. State of Bihar and Another reported in (2014) 10 SCC 663
2. In the case of S.W.Palanitkar and Others Vs. State of Bihar and Another reported in (2002) 1 SCC 241
3. In the case of The General Manager, Empee Distilleries Ltd., V.State reported in (2002) 2 CTC 669
4. In the case of Anil Mahajan Vs. Bhor Industries Limited and Another reported in (2005) 10 SCC 228
5. Unreported judgment in Crl.A.No.1868 of 2011 in the case of Thermax Limited and Others Vs.K.M.Johny and others by the Hon'ble Supreme Court of India.

3. Per Contra, Mr.R.Baskar, the learned counsel for the respondent would contend that the present quash petition has been filed only to protract the proceedings before the trial Court. After complying the procedure contemplated under Section 202 Cr.P.C. the learned Magistrate has taken cognizance for the

offences under Sections 120 (b), 420, 500, 506(ii) I.P.C. r/w 34 I.P.C. as against all the accused. The accused knowing fully well that there is no employment at Saudi Arabia made a false promise to the respondent that they are sending him to serve in Saudi Arabia for employment purpose and made him to work at Bangalore to achieve their object of getting the respondent who is with the special knowledge to work at Bangalore for Mobily and thus gained wrongfully for themselves. Therefore, the offence under Section 420 is clearly made out as against the petitioners. In respect of Section 506 I.P.C. is concerned there is a prima facie case for criminal intimidation to attract offence under Section 506(ii) I.P.C. as against the petitioners / accused and the accused conspired together and acted as against the respondent to remove him from the company as he was standing as an impediment to get more improper revenue and also that he complained about the malafide acts of the accused to the authorities. Therefore, the offences under Sections 120 (b), 420, 500, 506(ii) I.P.C. r/w 34 I.P.C. are squarely made out as against the petitioners and all the points raised by the petitioners herein can be raised only during trial before the trial court. In fact, initially the learned Magistrate have taken cognizance and issued summons to the petitioners. The said summons were challenged before this Court and this Court remitted the matter back to the trial Court to conduct enquiry under Section 202 Cr.P.C. and thereafter the trial court conducted detailed enquiry and on receipt of report from the concerned jurisdictional police namely, the Inspector of Police, J10 Semmanchery Police Station and have taken cognizance for the offence under Sections 120 (b), 420, 500, 506 (ii) I.P.C. r/w 34 I.P.C. and also relied upon the following five judgments.

1. In the case of Iridium India Telecom Ltd Vs.Motorola Incorporated and others reported in (2011) 1 SCC 74
2. In the case of Padal Venkata Rama Reddy Vs. Kovvuri Satynarayana Reddy and Others reported in (2011) 12 SCC 437
3. In the case of Ajay Kumar Das Vs. State of Jharkhand reported in (2011) 12 SCC 319
4. In the case of Amit Kapoor Vs. Ramesh Chander and another reported in (2012) 9 SCC 460
5. In the case of Sau.Kamal Shivaji Pokarnekar Vs. The State of Maharashtra and Others in Crl.Appeal No.255/2019.

4. Heard, Mr.Krishna Srinivasan, the learned counsel for the petitioners and Mr.R.Baskar, the learned counsel for the respondent.

5. The petitioners are A1 to A4. On the private complaint filed by the respondent, the trial Court have taken cognizance for the offences under Sections 120 (b), 420, 500, 506(ii) I.P.C. r/w 34 I.P.C. in C.C.No.805 of 2013. The crux of the complaint is that the petitioners with intention to cheat the

respondent made false representation to him by assuring that the respondent will be sent to Saudi Arabia for the project of Wipro's client Mobily and with further false promise that the respondent will get additional income apart from other emoluments. The respondent was made to believe the said false representations of the accused and was induced by those false representations to leave the project he was employed with, wherein he was getting emoluments and high reputation for his individual skills. The petitioners further represented that till the visa to Saudi Arabia is being organized, he had to work at Mobily at Bangalore. Believing those representations, the respondent left for Bangalore and joined Mobily there. Thereafter the respondent came to understand that there is no quota system to get visa to Saudi Arabia and also no arrangement had been made by the petitioners to send him to Saudi Arabia. When the respondent understood the same, the petitioners threatened him not to disclose any of those facts to anybody. Thereafter, the respondent was called for on 26.04.2013 by the accused and he was threatened to resign from the company. He was also attacked brutally by thugs and the security staff of the company on the instruction of the accused persons. Hence, the complaint.

6. On perusal of records, on the complaint lodged by the respondent the Police did not take any action and closed the same as civil dispute between the employer and employee. Thereafter the respondent approached the learned Judicial Magistrate, Alandur and the learned Magistrate have taken cognizance for the offence under Sections 120 (b), 420, 500, 506 (ii) I.P.C. r/w 34 I.P.C. as against the petitioners and issued summons. It is also seen that the respondent approached the petitioner company called Wipro and after interview he was appointed on terms and conditions in the project stream of Wipro as Manager at Cochin. The respondent had also worked in Best Buy Project in Chennai as Team Member in a dedicated Software Quality Assurance group. Thereafter he moved into Business Application Service Group at Chennai for the recruitment project in Saudi Arabia. The respondent was recommended and directed to forward his resume for the Mobily project . He was also directed to work in the Mobily project office at Bangalore until his visa is stamped for Saudi Arabia, but the performance of the respondent was not satisfied by the Mobily project and as such the respondent was called upon to improve his performance. Thereafter, the respondent did not report to work to the Mobily project. It is also seen that the respondent lodged a complaint before Human Resource Department and also made a complaint before the Ombudsman. On those complaint, enquiry was conducted and dismissed as no merits. Therefore, on 26.04.2013, the respondent was terminated from the services by paying two months salary in lieu of notice period as provided under the terms of

the appointment order. As pointed out by the learned counsel for the petitioners, the entire relationship between the petitioners and the respondent is employer and employee and the entire dispute is civil in nature and no criminal offence is made out as against the petitioners.

7. The learned counsel for the petitioners relied upon the Judgment in the case of Anil Mahajan Vs. Bhor Industries Limited and Another reported in (2005) 10 SCC 228, wherein it is held as follows:

> "8. The substance of the complaint is to be seen. Mere use of the expression cheating in the complaint is of no consequence. Except mention of the words deceive and cheat in the complaint filed before the Magistrate and cheating in the complaint filed before the police, there is no averment about the deceit, cheating or fraudulent intention of the accused at the time of entering into MOU wherefrom it can be inferred that the accused had the intention to deceive the complainant to pay. According to the complainant, a sum of Rs.3,05,39,086 out of the total amount of Rs.3,38,62,860 was paid leaving balance of Rs.33,23,774. We need not go into the question of the difference of the amounts mentioned in the complaint which is much more than what is mentioned in the notice and also the defence of the accused and the stand taken in reply to notice because the complainants own case is that over rupees three crores was paid and for balance, the accused was giving reasons as above-noticed. The additional reason for not going into these aspects is that a civil suit is pending inter se the parties for the amounts in question.
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> 10. We have examined the complaint and it is clear from its substance that present is a simple case of civil disputes between the parties. Requisite averments so as to make out a case of cheating are absolutely absent. The principles laid down in Alpic Finance Ltd. case were rightly applied by learned Additional Sessions Judge and it cannot be said that the ratio of the said decision was wrongly applied. On due consideration, the learned Additional Sessions Judge had rightly set aside the order of the Magistrate issuing process to the appellant."

8. He also relied upon the judgment in the case of The General Manager, Empee Distilleries Ltd., V.State reported in (2002) 2 CTC 669, wherein it is held as follows:

> "6. Learned counsel for the petitioner stated that even assuming that the defacto complainant is entitled to get any money, the quantum of amount has to be

determined and there should be some material to show that the management had misappropriated the amount or committed criminal breach of trust. The only remedy available to the complainant is to proceed under the Industrial Dispute Act for deciding the quantum of amount. Simply because the criminal case ended in acquittal, there is no bar for initiation of disciplinary proceedings against their employee. Further more, it is stated that on and after the alleged criminal cornplaint relating to the occurrence on 21.12.1992 the employee has not reported for duty and even after the acquittal of the criminal case, he has not offered to serve the company and moreover, these things can be decided only under Industrial Dispute Act. He also relied upon Section 2(k) of Industrial Dispute Act and by which any dispute of difference between the employee and employer or between workman and workmen connected with employment or non-employment or the terms of employment of with the conditions of service of any person has to be decided. Now, there is no material to show that the workman offered to serve in the company and he was not given employment. From the averments in the complaint, it is evidently clear that the nature of dispute raised by the employee is nothing but an industrial dispute and adjudication will be only under the relevant provisions of the said Act and the criminal complaint on the issue cannot be entertained by the Court.

7. The Industrial Dispute Act is a self contained Code which provides for remedy to a workman who has been denied employment or terminated from service. For instance, even if an award is passed directing reinstatement and backwages by a Labour Court, if the management fails to implement the same, the only remedy available to the employee is to approach the machinery provided under Industrial Dispute Act for enforcement of the award and he cannot invoke the provisions of Criminal Procedure Code for filing a criminal complaint. When this being the position of law, simply because the criminal case ended in acquittal, for non-payment of any terminal benefits it is not open to the employee to file a criminal complaint and moreover, the investigating authorities also have no locus standi to investigate the same. The employee has not filed any record to show that he had raised any industrial dispute or any award was passed. The act of the management cannot be construed as a criminal breach of trust or misappropriation of any money. Further more, acquittal in criminal case does not confer automatic right upon for the employee for reinstatement of service and even then, the employee has

to approach the machinery provided under the Industrial Dispute Act and seek for appropriate orders. The findings of the Criminal Court may have some value, but certainly it is not a binding force on the Labour Court. The Labour Court based on the facts and circumstances of the case notwithstanding the acquittal of the employee by the Criminal Court may still refuse to grant relief to the employee. When such being a position of law, the question of employee maintaining any complaint before the Criminal Court as if alleged violation of Sections 406 and 420, IPC is an improper one and will lead to dangerous consequences."

9. He also relied upon the judgment in the case of S.W.Palanitkar and Others Vs. State of Bihar and Another reported in (2002) 1 SCC 241, wherein it is held as follows:

"20. Turning to the facts of the case, there is nothing either in the complaint and/or in the sworn statements of the complainant and the three witnesses that any property was entrusted to any of the appellants at all or the appellants had domain over any of the properties of respondent no. 2 which they dishonestly converted to their own use so as to satisfy the ingredients of Section 405 IPC punishable under Section 406 IPC. Further the agreement also did not require entrustment of any property to the appellants. Taking the complaint and the statements of the witnesses as they are, it cannot be said even prima facie, that the appellants committed any offence punishable under Section 406 IPC, since the ingredients of that offence were not satisfied. Hence the learned Magistrate committed a serious error in issuing process against the appellants for the said offence. Unfortunately, the High Court also failed to correct this manifest error.

21. It is clear from the allegations made in the complaint and the sworn statements that the appellant no. 1 company entered into an agreement with the respondent no. 2 on certain terms and conditions. It is alleged that the appellant no. 7 went to Patna and contracted respondent no. 2 and induced him to enter into an agreement assuring him of huge profit. At the time of arriving at such an agreement, none of the other appellants either met the respondent no. 2 or induced him to enter into any agreement with a view to cheat him. The agreement was further renewed for a period of one year. It is not the case that there was no supply of goods at all as it has come on record that there was supply of 400 ton of fertilizer, may be it was far less than the required quantity. The allegations made against the appellants other than the appellant no. 7 are very vague and bald.

From the material that was placed before the Magistrate, even prima facie, it cannot be said that there was conspiracy or connivance between the other appellants and the appellant No. 7. If the appellants have committed breach of agreement, it is open to respondent no. 2 to seek redressal in a competent court or forum to recover damages, if permissible in law in case he had sustained any loss. In order to constitute an offence of cheating, the intention to deceive should be in existence at the time when the inducement was made. It is necessary to show that a person had fraudulent or dishonest intention at the time of making the promise, to say that he committed an act of cheating. A mere failure to keep up promise subsequently cannot be pre-sumed as an act leading to cheating."

10. In the case on hand even assuming that the promise made by the petitioners only to induce the respondent to work for them and thereby gained and thereafter they failed to keep up their terms to send the respondent to Saudi Arabia, it cannot be termed as cheating as held by the Hon'ble Supreme Court of India. It is also seen that the respondent did not suffer any loss and only allegation is that the petitioners did not keep up their promise and induced him to join in their company on the false promise to send him to Saudi Arabia. Further the another point raised by the respondent is nothing but industrial dispute and it requires adjudication under the Industrial Disputes Act. Therefore, the criminal complaint cannot be sustained on the issue raised by the respondent.

11. In respect of the powers exercised by this Court under Section 482 Cr.P.C. the learned counsel for the respondent relied upon the Judgment in the case of Amit Kapoor Vs. Ramesh Chander and another reported in (2012) 9 SCC 460, wherein it is held as follows:

27. Having discussed the scope of jurisdiction under these two provisions, i.e., Section 397 and Section 482 of the Code and the fine line of jurisdictional distinction, now it will be appropriate for us to enlist the principles with reference to which the courts should exercise such jurisdiction. However, it is not only difficult but is inherently impossible to state with precision such principles. At best and upon objective analysis of various judgments of this Court, we are able to cull out some of the principles to be considered for proper exercise of jurisdiction, particularly, with regard to quashing of charge either in exercise of jurisdiction under Section 397 or Section 482 of the Code or together, as the case may be :

27.1. Though there are no limits of the powers of the Court under Section 482 of the Code but the more the power, the more due care and caution is to be exercised in invoking these powers. The power of quashing criminal proceedings, particularly, the charge framed in terms of Section 228 of the Code should be exercised very sparingly and with circumspection and that too in the rarest of rare cases.

27.2. The Court should apply the test as to whether the uncontroverted allegations as made from the record of the case and the documents submitted therewith prima facie establish the offence or not. If the allegations are so patently absurd and inherently improbable that no prudent person can ever reach such a conclusion and where the basic ingredients of a criminal offence are not satisfied then the Court may interfere.

27.3. The High Court should not unduly interfere. No meticulous examination of the evidence is needed for considering whether the case would end in conviction or not at the stage of framing of charge or quashing of charge.

27.4. Where the exercise of such power is absolutely essential to prevent patent miscarriage of justice and for correcting some grave error that might be committed by the subordinate courts even in such cases, the High Court should be loathe to interfere, at the threshold, to throttle the prosecution in exercise of its inherent powers.

27.5. Where there is an express legal bar enacted in any of the provisions of the Code or any specific law in force to the very initiation or institution and continuance of such criminal proceedings, such a bar is intended to provide specific protection to an accused.

27.6. The Court has a duty to balance the freedom of a person and the right of the complainant or prosecution to investigate and prosecute the offender.

27.7. The process of the Court cannot be permitted to be used for an oblique or ultimate/ulterior purpose.

27.8. Where the allegations made and as they appeared from the record and documents annexed therewith to predominantly give rise and constitute a 'civil wrong' with no 'element of criminality' and does not satisfy the basic ingredients of a criminal offence, the Court may be justified in quashing the charge. Even in such cases, the Court would not embark upon the critical analysis of the evidence.

27.9. Another very significant caution that the courts have to observe is that it cannot examine the facts, evidence and materials on record to determine whether there is sufficient material on the basis of which the case would end in a conviction, the Court is concerned primarily with the allegations taken as a whole whether they will constitute an offence and, if so, is it an abuse of the process of court leading to injustice.

27.10. It is neither necessary nor is the court called upon to hold a full-

fledged enquiry or to appreciate evidence collected by the investigating agencies to find out whether it is a case of acquittal or conviction.

27.11. Where allegations give rise to a civil claim and also amount to an offence, merely because a civil claim is maintainable, does not mean that a criminal complaint cannot be maintained.

27.12. In exercise of its jurisdiction under Section 228 and/or under Section 482, the Court cannot take into consideration external materials given by an accused for reaching the conclusion that no offence was disclosed or that there was possibility of his acquittal. The Court has to consider the record and documents annexed with by the prosecution.

27.13. Quashing of a charge is an exception to the rule of continuous prosecution. Where the offence is even broadly satisfied, the Court should be more inclined to permit continuation of prosecution rather than its quashing at that initial stage. The Court is not expected to marshal the records with a view to decide admissibility and reliability of the documents or records but is an opinion formed prima facie.

27.14. Where the charge-sheet, report under Section 173(2) of the Code, suffers from fundamental legal defects, the Court may be well within its jurisdiction to frame a charge.

27.15. Coupled with any or all of the above, where the Court finds that it would amount to abuse of process of the Code or that interest of justice favours, otherwise it may quash the charge. The power is to be exercised ex debito justitiae, i.e. to do real and substantial justice for administration of which alone, the courts exist.

{Ref. State of West Bengal & Ors. v. Swapan Kumar Guha & Ors. [AIR 1982 SC 949]; Madhavrao Jiwaji Rao Scindia & Anr. v. Sambhajirao Chandrojirao Angre & Ors. [AIR 1988 SC 709]; Janata Dal v. H.S. Chowdhary & Ors. [AIR 1993 SC 892]; Mrs. Rupan Deol Bajaj & Anr. v. Kanwar Pal Singh Gill & Ors. [AIR 1996 SC 309; G. Sagar Suri & Anr. v. State of U.P. & Ors. [AIR 2000 SC 754]; Ajay Mitra v. State of M.P. [AIR 2003 SC 1069]; M/s. Pepsi Foods Ltd. & Anr. v. Special

Judicial Magistrate & Ors. [AIR 1988 SC 128]; State of U.P. v. O.P. Sharma [(1996) 7 SCC 705]; Ganesh Narayan Hegde v. s. Bangarappa & Ors. [(1995) 4 SCC 41]; Zundu Pharmaceutical Works Ltd. v. Mohd. Sharaful Haque & Ors. [AIR 2005 SC 9]; M/s. Medchl Chemicals & Pharma (P) Ltd. v. M/s. Biological E. Ltd. & Ors. [AIR 2000 SC 1869]; Shakson Belthissor v. State of Kerala & Anr. [(2009) 14 SCC 466]; V.V.S. Rama Sharma & Ors. v. State of U.P. & Ors. [(2009) 7 SCC 234]; Chunduru Siva Ram Krishna & Anr. v. Peddi Ravindra Babu & Anr. [(2009) 11 SCC 203]; Sheo Nandan Paswan v. State of Bihar & Ors. [AIR 1987 SC 877]; State of Bihar & Anr. v. P.P. Sharma & Anr. [AIR 1991 SC 1260]; Lalmuni Devi (Smt.) v. State of Bihar & Ors. [(2001) 2 SCC 17]; M. Krishnan v. Vijay Singh & Anr. [(2001) 8 SCC 645]; Savita v. State of Rajasthan [(2005) 12 SCC 338]; and S.M. Datta v. State of Gujarat & Anr. [(2001) 7 SCC 659]}.

27.16. These are the principles which individually and preferably cumulatively (one or more) be taken into consideration as precepts to exercise of extraordinary and wide plenitude and jurisdiction under Section 482 of the Code by the High Court. Where the factual foundation for an offence has been laid down, the courts should be reluctant and should not hasten to quash the proceedings even on the premise that one or two ingredients have not been stated or do not appear to be satisfied if there is substantial compliance to the requirements of the offence.

12. He also relied upon the Judgment in the case of Ajay Kumar Das Vs. State of Jharkhand reported in (2011) 12 SCC 319, where it is held that in respect of powers under Section 482 Cr.P.C. when the factual controversy involved, cannot be quashed under Section 482 Cr.P.C.

12. The Counsel appearing for the appellant also drew our attention to the same decision which is relied upon in the impugned judgment by the High Court, i.e. the case of State of Haryana v. Bhajan Lal and others reported in 1992 suppl. 1 SCC 335. In the said decision, this Court Crl. Appeal No. 1735 of 2011 @ SLP(Crl) 10005/2009 REPORTABLE 7 held that it may not be possible to lay down any specific guidelines or water tight compartment as to when the power under Section 482 Cr.P.C. could be or is to be exercised. This Court, however, gave an exhaustive list of various kinds of cases wherein such power could be exercised. In paragraph 103 of the said judgment, this Court, however, hastened to add that as a note of caution it must be stated that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases

for the Court would not be justified in embarking upon an inquiry as to the reliability or genuineness or otherwise of the allegations made in the First Information Report or in the complaint that the extraordinary or the inherent powers do not confer an arbitrary jurisdiction on the Court to act according to its whim or caprice.

15. We are, however, unable to accept the said contention at this stage for we find that there was a demand for giving cows, motor cycle and other goods. All these allegations will have to be dealt with by the Court at different stages for which liberty would be available to the appellant. In our considered opinion, this is not the stage when the Court would make an inquiry into the factual position to find out as to whether or not the appellant is guilty of the charges or not. The appellant, in our considered opinion, will have Crl. Appeal No. 1735 of 2011 @ SLP(Crl) 10005/2009 REPORTABLE 9 sufficient opportunity to place his entire case before the Court at the time of framing of the charge since charge sheet has already been filed against the appellant also holding that a case under Section 304B and Section 34 is made out. We do not wish to enter into the factual details for any discussion on them at this stage as the same may prejudicially affect the case of the appellant.

16. We are, however, of the considered opinion that on a reading of the First Information Report and the materials that are available in the case file of the appellant that no case is made out so as to quash the entire proceeding. Therefore, while rejecting the contention of the counsel appearing for the appellant so far quashing of the proceedings is concerned we give him the liberty to raise all his defence as may be available to him in accordance with law at the time of framing of the charge and at that stage the Court shall consider the material on record as also the contentions raised by the appellant in proper perspective and decide the matter in accordance with law. We also make it clear that any observation made by us herein would not be in any manner construed as our observations or views with regard to the merit of the case or the defence of the appellant.

13. In the case on hand, the overall issue raised by the respondent is that on false promise, he was induced by the petitioners to work under the Mobily project at Bangalore and to send him to Saudi Arabia. Thereafter the petitioners did not

keep up their promise and thereby cheated him. As discussed above, the entire issue is between the employer and employee and it cannot be termed as criminal offence. If at all any grievance over the act of the petitioners, the respondent can very well approach appropriate court under the Industrial Disputes Act. Therefore, the above said judgments are not helpful to the respondent to sustain the complaint.

14. In view of the above discussion, the complaint cannot be sustained as against the petitioners. Accordingly, these Criminal Original Petitions are allowed and the proceedings in C.C.No.805 of 2013 on the file of the Hon'ble Judicial Magistrate, Alandur, Chennai is quashed. Consequently connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The learned Judicial Magistrate,
Alandur, Chennai

+2CCs to Mr.S.Ramasubramaniam, Advocate, SR.No.26092 & 26093

+2CCs to M/s.Kumar & Baskar, Advocate, SR.No.25890 & 891

Crl.O.P.Nos.8976 & 8977 of 2015
and M.P.Nos.1, 1, 3 & 3 of 2015

Kak(26/04/2019)