IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9588 of 2013 and
Crl.M.P.Nos.1 & 2 of 2013

T.Arun ... Petitioner

Versus

1.The Assistant Commissioner of Police,
Cyber Crime Cell,
Central Crime Branch,
Egmore, Chennai 600 008.

2.The Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Egmore, Chennai 600 008.
Crime No.649 of 2005. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.11423 of 2010 on the file of the Metropolitan Magistrate, Saidapet, Chennai-15 and quash the same.

For Petitioner : C.Prabaharan

For Respondents: M/s.S.Thankira
Government Advocate [Crl. Side]

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.11423 of 2010 on the file of the Metropolitan Magistrate Court, Saidapet.

2.The gist of the case is that on 27.06.2005 one Tr.K.Jayaraman, Proprietor of M/s.Mech-Cl-Cadd, Chennai has given a complaint before the 2nd respondent that the datas were hacked by the ex-employees of his company and had copied the pattern designs and started their own company in the name of M/s.ASA Designing Solutions and had also offered identical courses to that of the defacto complainant's company and issued

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

certificates using the name of the defacto complainant company by forging the complainant's signature and their logos. Based on the complaint, an F.I.R in Crime No.649 of 2005 has been registered by the respondent Police for the offence under Sections 406, 408, 420, 471, 120(b) of IPC and Section 66 of the Information Technology Act, 2000.

3.The learned counsel for the petitioner would submit that the complaint has been lodged by the defacto complainant only to brook vengeance on the petitioner that the petitioner and two others started a new company as similar in nature. He would further submit that the respondent did not conduct any proper investigation. Further there are no specific averments regarding the impersonation and forgery of documents of the defacto complainant's company. Therefore, he prayed for quashment of the entire proceedings.

4.The learned Government Advocate [Crl. Side] appearing on behalf of the respondents would submit that after fair and proper investigation, the charge sheet has been filed before the learned XI Metropolitan Magistrate, Saidapet and assigned as C.C.No.11423 of 2010. She would further submit that so far four witnesses have been examined and the case is posted for examination of PW5 on 12.07.2019.

5.It is seen from the charge sheet that there are specific averments to attract the offence as against the petitioner. Further it is also seen that there are materials to connect the petitioner to the offence. More over all the points raised by the petitioner have to be considered only during the trial. The petitioner is at liberty to raise all the points before the Court below during the trial.

6.In view of the above, this Court is not inclined to quash the proceedings in C.C.No.11423 of 2010. Accordingly, this Criminal Original Petition stands dismissed. Consequently the connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

https://hcservices.ecourts.gov.in/hcservices/

vv2
To

1.The XI Metropolitan Magistrate,
  Saidapet, Chennai.

2.The Assistant Commissioner of Police,
   Cyber Crime Cell,
   Central Crime Branch,
   Egmore, Chennai 600 008.

3.The Inspector of Police,
   Cyber Crime Cell,
   Central Crime Branch,
   Egmore, Chennai 600 008.

4.The Public Prosecutor,
   High Court, Madras.

+1cc to MR.C.Prabakaran, Advocate Sr.54282

CRL.O.P.No.9588 of 2013

nr[co]
srg 21/08/2019

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/