

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.30931 of 2019
and
Cr1.M.P.No.16795 of 2019

V.Kamalakaran ... Petitioner/Accused

/versus/

1.State of Tamil Nadu,
Rep.by its
Inspector of Police,
J-11, Kannagi Nagar Police Station,
Chennai.
Cr.No.672/2018.

..1st Respondent/Complainant

2.Hatsun Agro Product Ltd.,
Represented by is
Assistant Manager Legal,
Mr.Rajesh,
Rajiv Gandhi Salai, OMR,
Karappakkam,
Chennai 600 097.

..2nd Respondent/De facto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Cr.No.672/2018 dated 23.08.2018 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.G.Mohanakrishnan

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor for R1

Mr.N.Vijaya Baskar for
M/s Law vision for R2

O R D E R

This Criminal Original Petition has been filed to call for the records in Cr.No.672/2018 dated 23.08.2018 on the file of the 1st respondent herein and quash the same.

2.The case of the petitioner is that based on the complaint given by the 2nd respondent, a case in Crime No.672 of 2018 has been registered on the allegation that, when the petitioner has joined as a Senior Officer in the defacto complainant's company, he has produced his experience letter dated 24.01.2013, which was issued by his previous employer, to the defacto complainant. On verification, the defacto complainant found that the experience letter issued by the petitioner was a fabricated one and the same has not been issued by the earlier employer of the petitioner herein. Therefore, the petitioner has committed the offence of cheating, forgery, falsification of documents and records. Hence, this complaint has been registered as against the petitioner.

3.The learned Additional Public Prosecutor submitted that there is an internal dispute between the petitioner and the defacto complainant and as such, the present petition has been filed to quash the First Information Report in Crime No.672 of 2018 as against the petitioner.

4.The learned counsel for the 2nd respondent submitted that if the petitioner files an undertaking affidavit before the 2nd respondent that he will not use the 2nd respondent's company name at any point of time, an appropriate order may be passed by this Court.

5.Considering the above facts and circumstances of the case, this court is inclined to quash the case in F.I.R.No.672 of 2018 on condition that the petitioner shall file an undertaking affidavit before the 2nd respondent that he will not use the name of the 2nd respondent's company at any point of time, within a period of two weeks from the date of receipt of a copy of this order.

6.Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
J-11 Kannagi Nagar Police Station,
Chennai.

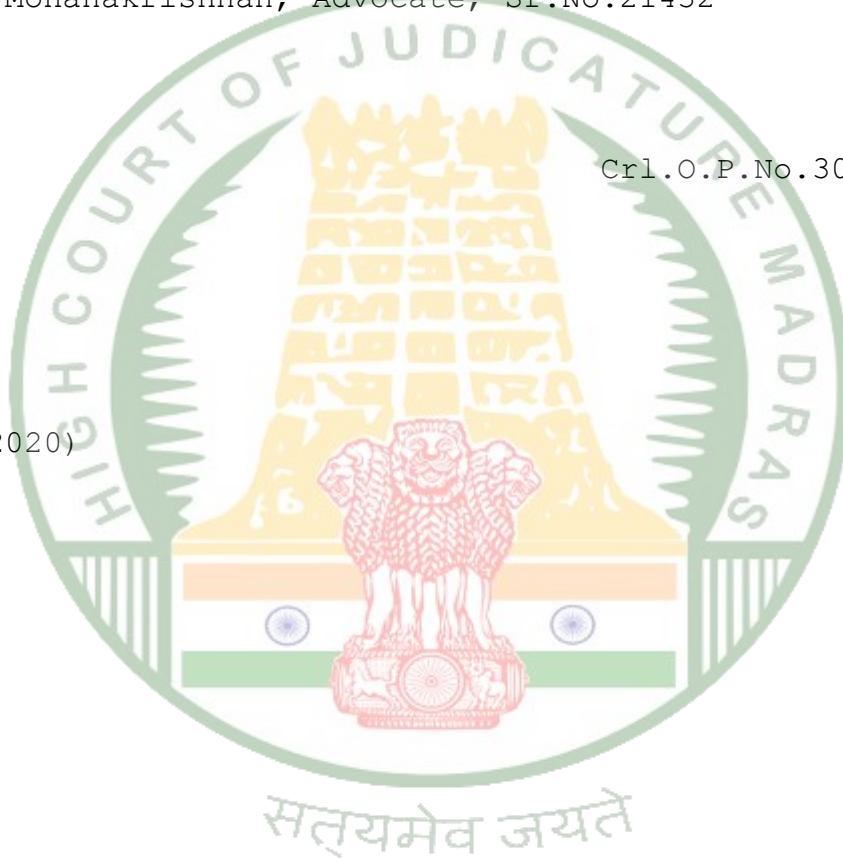
2.The Public Prosecutor,
High Court, Madras.

+1cc to N.Vijayabaskar, Advocate, Sr.No.21351

+1cc to G.Mohanakrishnan, Advocate, Sr.No.21432

Crl.O.P.No.30931 of 2019

RSV (CO)
GS (30/05/2020)



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