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CRL.O.P.(MD)NO.15048 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No. 15048 of 2016 and

CRL.M.P.(MD)No.7071 of 2016

Bharathi Raja

... Petitioner/Sole Accused

Vs.

1. The State rep. by,
The Inspector of Police,
D1, Thallakulam police station,
(Crime Branch),
Madurai City.

... Respondent/Complainant

2. EBROS,
Rep. by its Partner,
Vidhya Srinivasan,
No.3/714, Aavin Nagar,
Surveyor Colony,
K.Pudur,
Madurai - 7.

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to Crime No.892 of 2015 on the file of D.1 Thallakulam police station(Crime Branch), Madurai City and quash the same.

For Petitioner

: Mr.N.Dilip Kumar

For R-1

: Mr.A.Robinson,

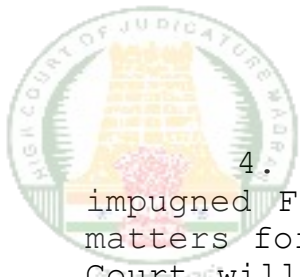
Government Advocate(Crl. Side).

O R D E R

The petitioner challenges the very registration of the impugned First Information Report for the offences under Sections 406 and 420 of I.P.C.

2. The second respondent is the defacto complainant. It appears that the petitioner was originally employed under the second respondent and after relieving from the job, he started an independent concern on his own. The petitioner's counsel would allege that opening a rival firm by the petitioner appears to be the reason for lodging the impugned First Information Report.

3. I went through the contents of the impugned First Information Report. The complainant alleges that the petitioner during his employment under the complainant had obtained orders in his individual name and also done services by utilizing their shop materials.



4. I am of the view that this is not a case for quashing the impugned First Information Report at this stage itself. These are matters for investigation. Only when the final report is filed, this Court will be in a position to understand whether the prosecution projected by the second respondent is an abuse of process or not. At this stage, it is not for this Court to grant relief to the petitioner. Leaving open all the defences and the contentions of the petitioner, the criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Inspector of Police,
D1, Thallakulam police station,
(Crime Branch),
Madurai City.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-6518[F] dated 14/02/2020)
Cr1.O.P.(MD)No.15048 of 2016

13.02.2020

SMA/05/06/2020/2P/4C