



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18572 of 2021

and

Crl.M.P. (MD) .No.10259 of 2021

WEB COPY

1.Jana @ Janagan

2.Jeeva @ Jeevagan

3.Karim

... Petitioners/Accused 1 to 3Vs.

1.The State,

Sub-Inspector of Police,
Sivakasi East Police Station,
(Crime No.382 of 2021)

... Respondent/Complainant

2.Damodharan

...Respondent/Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to quash the FIR in Crime No.382 of 2021 dated 16.09.2021 on the file of Sub-Inspector of Police, Sivakasi East Police Station and quash the same in so far as the petitioners are concerned.

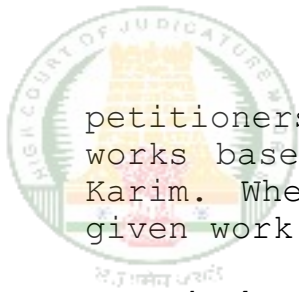
For Petitioners	:	Mr.G.Thalaimutharasu
For R1	:	Mr.T.Senthil Kumar
		Additional Public Prosecutor
For R2	:	Mr.B.Vinoth Kumar

ORDER

Heard the learned Counsels on either side.

2.The Criminal Original Petition has been filed for quashing FIR in Crime No.382 of 2021 registered on the file of Sivakasi East Police Station for the offences under Sections 406 and 420 IPC.

3.The second respondent herein is the defacto complainant. The case of the prosecution is that the defacto complainant is running a paper cup company under the name and style of Pon Polymers. The defacto complainant has obtained due authorisation for manufacturing bio-degradable paper cups. The Central and State Pollution Control Board has also given licence in this regard. The said licence is printed on the outer region of the cup. The defacto complainant usually used to entrust the work of printing to the petitioners 1 and 2 herein. While so, the defacto complainant came to know that the accused 1 and 2 have printed fake labels containing the licence details of the defacto complainant. When the defacto complainant questioned the petitioners 1 and 2 on 15.09.2021 at about 4p.m., the



petitioners 1 and 2 stated that they had carried out the printing works based on the work order given by the third accused, namely, Karim. When Karim was enquired, he, in turn, stated that he was given work order by one Kiran of Bangalore.

4. Thereupon, the defacto complainant lodged a First Information Report before the first respondent on 15.09.2021 alleging that the accused have printed fake labels containing the licence details of the defacto complainant and cheated the general public also. Based on this information, the impugned FIR was registered. To quash the same, this petition has been filed.

5. The learned Counsel for the petitioner reiterated all the contentions set out in the Memorandum of the Grounds. He also stated that the petitioners 1 and 2 had merely acted on the work order issued by the third petitioner. The third petitioner, in turn, was merely acting on the instruction given by the fourth accused. The petitioner's counsel would contend that if at all, the fourth accused may have to face the music. Petitioners 1 to 3 had acted in a *bonafide* manner. The petitioner's Counsel also submitted that the petitioners herein have already expressed their regret to the defacto complainant and they have also undertaken to refrain from printing any more such labels in future. According to the learned Counsel for the petitioners, the conduct of the petitioners is entirely *bonafide* and innocent and they were absolutely unaware that the right of the second respondent was ever involved. According to him, the petitioners ought not to be penalised merely for carrying out a contractual engagement.

6. I am not however, persuaded by the aforesaid submissions of the learned Counsel for the petitioners. The petitioners have come to this Court at the FIR stage. Whether the petitioners have innocently carried out contractual works or whether they acted deliberately in collusion with the fourth accused is a matter for investigation. The fact remains that the petitioners have printed fake labels. In fact, that is virtually conceded in their own communication addressed to the second respondent. Therefore, the petitioners have to necessarily await the filing of the final report. The challenge cannot be entertained at the FIR stage. Leaving open the contentions and defences of the petitioners, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Sub-Inspector of Police,
Sivakasi East Police Station,
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.VINOTHKUMAR, Advocate (SR-40366[F] dated
23/12/2021)

CrI.O.P. (MD) No.18572 of 2021
21.12.2021

SK(CO)
KB(07.01.2022) 3P 4C