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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10989 of 2018

and

CrI.M.P.No.5659 of 2018

P.L.Maruthupandiyan

... Petitioner/A-4

Versus

M/s. Sri Ranganathar Industries Pvt. Ltd.,
Represented by its General Manager,
S.Gunasekaran,
No.14, Periannan Nagar 3rd Street,
Thadagam Road,
Edayarpalayam Post,
Coimbatore - 641 025.

... Respondent/Defacto complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for records and quash the C.C.No.236 of 2013 on the file of the Judicial Magistrate-I, Coimbatore.

For Petitioner :Mr.A.R.Nixon

For Respondent :Mr.M.Ganesh for
Mr.N.Manokaran

O R D E R

This Criminal Original Petition has been filed to quash the complaint in C.C.No.236 of 2013 on the file of the Judicial Magistrate-I, Coimbatore.

2. The petitioner, who was arrayed as Accused No.4 in C.C.No.236 of 2013 facing trial along with seven others for the offences under Sections 120(B), 294(b), 427, 408, 506(ii) of IPC and Section 65, 66 of Information Technology Act, has filed this quash petition.



3. The contention of the petitioner is that, earlier the respondent company had lodged a complaint with Thudiyalur Police Station and a case in Crime No.718 of 2012 dated 21.10.2012 was filed for the offences under Sections 294(b) and 427 of IPC against eight persons including the petitioner. Since no action has been taken, the respondent company has filed a private complaint, which was taken on file in C.C.No.236 of 2013 for the offences under Sections 120(B), 294(b), 427, 408, 506(ii) of IPC and Section 65, 66 of Information Technology Act.

4. The gist of the complaint is that the petitioner/A4 and seven others were employed as Computer Engineers in the Computer division of the respondent company and there was some dispute with regard to payment of salary. The respondent company is doing foundry business as well as manufacturing of machineries and they are mostly exporting to foreign countries. The company is computerized one and most of its operations are aided with software. On 20.10.2012, at about 2.00 p.m. all the staffs of the respondent company returned back to work after having lunch. To their shock and surprise, all the computer systems were not functioning and hanged and the systems could not be made operational due to which, the entire operation and manufacturing activities of the respondent company got affected. Immediately, the General Manager of the respondent company contacted I.T. department, where the petitioner and other accused were employed, to find out the reason but they were unable to be contacted. Thereafter with great difficulty the respondent company, appointed RK Infotech for rectification of the defects in the computer system and thereafter with the delay, the computer operations commenced. At that time it was found that the Computer ERP system password has been changed and blocked the operation of the company, due to which more than 2,000 workers of the respondent company were made to be idle without any production and caused great loss and damage. Hence the complaint has been lodged.

5. The petitioner and the other accused had sent a legal notice to the respondent company, questioning the complaint lodged by the respondent to the police and in the legal notice they have not denied about the stalling of the functioning of the I.T. department. The respondent company had sent a reply for their notice and also detailed the act of each of the accused in stalling the computer system and thereby bringing to halt the manufacturing activities of the respondent company.



6. The contention of the petitioner is that the petitioner and other accused are all employees of the respondent company in I.T. Wing. The company is automated computerized one. There was some dispute for a long time that they were not paid proper salary and incentive, which was questioned by the employees and they have only shown their protest, for which a false case has been initiated against them. Initially, an F.I.R. in Crime No.718 of 2012 was registered on the complaint of the respondent company and later it was closed as Mistake of Fact on 25.03.2015. The RCS notice has been served on the respondent and the respondent has not filed any protest petition, on the other hand they filed a private complaint. He further submitted that the misunderstanding between the employer and employee have made them to face ordeal of trial. Further, the pendency of the criminal case would jeopardise the future of the petitioner, who is in the software industry.

7. The learned counsel for the petitioner submitted that the petitioner and all the other accused have given apology letter for the incident, which had happened on 20.10.2012. The issue had been now resolved and all the I.T. Wing personnels have left the office of the respondent company and now they are employed elsewhere. In the event of petitioner showing remorse and apology, the respondent company, considering the future of its former employees, shall not precipitate the complaint.

8. The learned counsel appearing for the respondent company fairly submits that all the eight accused have now filed the affidavit tendering unconditional apology, which has been gracefully accepted by the respondent company.

9. In view of the fact that the petitioner and the other accused have given affidavit expressing their remorse for the unintentional incident earlier happened, the respondent had also accepted the same, this Court finds, it was employer and employee dispute, due to the emotional reasons to show their protest, the said incident had happened, now peace and harmony restored. The petitioner and others who were in the I.T. department have left employment with the respondent. The petitioner and other accused are now pursuing their career and employed elsewhere and happily settled with their family, further continuation of complaint would only jeopardise their future and in the interest of the justice, this Court is inclined to quash the proceedings in C.C.No.236 of 2013 on the file of the Judicial Magistrate No.I, Coimbatore against this petitioner and all other accused, who are also similarly placed.



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

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

mpl/rsi

To

The Judicial Magistrate No.I,
Coimbatore.

Copy to: The Section Officer,
Criminal Section(Records),
High Court, Madras.

+1cc to Mr.N.Manokaran, Advocate SR.No.24351

+1cc to Mr.A.R.Nixon, Advocate SR.No.24452

CRL.O.P.No.10989 of 2018
and
Crl.M.P.No.5659 of 2018

PL(CO)
CB(28/04/2022)