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CrI.O.P.No.18651 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.18651 of 2019 and
CrI.M.P.No.9473 of 2019

Jaya Viswanathan

... Petitioner

/vs/

1.State Rep by

The Inspector of Police,
Anti-Land Grabbing Cell,
Central Crime Branch,
Vepery,
Chennai 600 007.

2.V.Ramasamy

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and to quash the proceedings in Crime No.78 of 2019 on the file of the Inspector of Police, Anti-Land Grabbing Cell, Central Crime Branch, Vepery, Chennai - 7.

For Petitioner

... Mr.K.Murugan

For Respondents

... Mr.A.Damodaran,
Addl. Public Prosecutor for R1



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ORDER

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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. The petitioner is the fourth accused who is the mother of A1 Subramani. The son of the petitioner Subramani was working under the defacto complainant in his Company. The allegation of the second respondent / defacto complainant is that while the said Subramani was working in his Company, he had an unrestricted access to all the confidential information and secrets and by taking advantage of the same, he had stolen all the data and subsequently he resigned the job; thereafter he started a new Company in the name and style 'Raisun Soft Solutions Private Limited' and started his business in the same line of the defacto



complainant. In the said Company, the wife and mother of the first accused were also the directors. Hence they have also been implicated in this case.

4. The learned counsel for the petitioner submitted that so far as this petitioner who is the mother of the first accused is concerned, she has been made as a Director of the Company started by her son and there is no overtact is shown against her; the petitioner who is a senior citizen and aged about nearly 70 years has been unnecessarily implicated for none of her involvement in the case.

5. The learned Additional Public Prosecutor submitted that the first accused had included the petitioner also as one of the directors and he had made use of the data stolen by him for the improvement of his business.

6. There is no direct connection between the petitioner who is the fourth accused and the defacto complainant. Even according to the submission made by the second respondent, the son of the petitioner was working under him and he had access to all the confidential data and he



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had stolen all the data. Just because the first accused started a new Company and included his wife and mother as the directors, they have been impleaded as accused in the case. The first accused is the Chief Executive Officer of the Company and so far as this petitioner is concerned, she appears to be the namesake director and she does not have any active participation in the Company constituted by her son. Since there is no sufficient materials on record to make out any case against the petitioner, I feel it is appropriate to invoke Section 482 of Cr.P.C., to quash the proceedings as against the petitioner herein.

7. In the result, this Criminal Original Petition is allowed and the proceedings in Crime No.78 of 2019 on the file of the Inspector of Police, Anti-Land Grabbing Cell, Central Crime Branch, Vepery, Chennai - 7, is quashed as against the petitioner herein. The investigation as against the rest of the accused shall go on. Consequently, connected miscellaneous petition is closed.

06.12.2022

Index: Yes/No
Internet: Yes/No
gsk



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To

1. The Inspector of Police,
Anti-Land Grabbing Cell,
Central Crime Branch,
Vepery,
Chennai 600 007.

2. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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