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Crl.O.P.No.32987 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM :

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.32987 of 2019
and Crl.M.P.No.18206 & 18207 of 2019

1. Kishore @ Kishore Kumar

2. Sandana Kumar

.. Petitioners

Vs.

1.The State,
Rep. by Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai – 600 092 in Crime No. 1339 of 2019

2.Durairajan
S/o. Rajkumar,
Prop. of R.R.Cine Productions,
No. 6, School 3rd Street,
Virugambakkam,
Chennai – 600 092.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No. 2214 of 2019 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai and quash the same.



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For Petitioner : Mr.M.Vijayakumar
For R1 : L.Baskaran
Government Advocate (Crl.Side)
For R2 :Mr.U.Vijay Bose
for Mr.K.Bala Subramaniam

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No. 2214 of 2019 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai.

2. The case of the prosecution is that the second respondent had produced and directed one movie acted by “Nasar, Yogi Babu, Nithin Sathya, Manobala, Singamuththu and others”. The said film was about to complete in the month during February, 2016. He was searching to put name to the said movie. Therefore, he approached the first accused. After hearing the story, the first accused suggested the name of "Mani" for the movie produced and directed by the second respondent. The second respondent also agreed for the said name for his movie and he entrusted the



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entire movie with the first accused to get copyright for the said movie and also paid a sum of Rs.2,00,000/-. Therefore, on 16.02.2016 at about 12 noon, both the accused along with the Sub-Inspector Police, R5, Virugambakkam Police Station came to his office. Thereafter, they had stolen the Hard Disk of the movie “Mani” from the computer. Hence, the complaint.

3. Since, on the said complaint, no action was taken by the first respondent, the second respondent filed a direction petition under Section 156(3) of Cr.P.C. and on direction, the first respondent registered a FIR in Crime No.1339 of 2017 under Section 380 IPC. After completion of investigation, the first respondent filed a final report and the same has been taken cognizance by the Trial Court in C.C.No.2214 of 2019.

4. The case of the petitioners is that the first petitioner is the sole Author, Creator, Director and Copyright owner of the story, screenplay and dialogue of the movie “Mani”. He had entered into an agreement with the Artists, Technicians and completed the shooting of the film by using the



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digital technology. After the completion of the shooting, the first petitioner had approached the second respondent who is the film Editor by profession for editing his movie and the second respondent agreed to edit the movie and he has also willing to purchase the film produced by the first petitioner. He also had agreed to promote the film by giving advertisement, in the media as well as in the newspapers. Believing his words, the first petitioner had given letter where under transferring the title of the film alone in favour of the second respondent enabling him to get the title clearance from the Tamil Film Producers Council, South Indian Film Chamber of Commerce and from Film and Television Producers, Guild of South India for the purposing to giving advertisement for promotion. However, to the shock and surprise of the first petitioner, the second respondent had given an advertisement in the daily magazine thereby suppressing the first petitioner name as a Producer and had given the advertisement in the name of R.R.Cine Productions as Producer and the second respondent as a Director.



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5. Thereafter, the first petitioner lodged a complaint before the Tamil Film Producers Council after conducting an enquiry, reversed the transfer of the title of the movie “Mani” in the name of the first petitioner by the letter dated 02.02.2016. It was also confirmed by the South Indian Film Chamber of Commerce. Thereafter, the South Indian Film Chamber of Commerce had also issued publicity clearance certificate dated 19.03.2016 for the film “Mani” produced by the first petitioner.

6. The first petitioner also lodged a complaint against the second respondent before Inspector of Police R-5, Virugambakkam Police Station. Only after, the present complaint has been lodged by the second respondent on 16.02.2016 alleging that the petitioners along with the Sub-Inspector of Police, Virugambakkam Police came to his office and had stolen two Hard Disk of movie title as “Mani”. Therefore, the present complaint is nothing but counter blast to the earlier complaint and action taken by the first petitioner.



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7. That apart, during enquiry, the witnesses had deposed with contradiction. The statement of the witnesses are not corroborated with the statement of the second respondent. In fact, the second respondent himself contradicted his own statement. On the one hand, he has stated that he was wrongfully restrained in the room and the petitioners had stolen the Hard Disk. On the other hand, the accused and Sub-Inspector of Police, Virugambakkam Police station had visited the office and thereafter, the two Hard disks were missing from his computer. It seems that there is dispute between the first petitioner and the second respondent with regard to the ownership of the Movie. In this regard, the first petitioner also filed a suit in C.S.No. 362 of 2016 before this Court and also obtained injunction against the second respondent thereby, restraining them from in any manner releasing the film title as “Mani” by an order dated 29.08.2017 in O.A.No. 824 of 2017.

8. That apart, even according to the second respondent, the Sub-Inspector of Police, Virugambakkam Police Station also came to his office along with first and second accused/petitioners 1 & 2. However, no



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complaint has been lodged as against the Sub-Inspector of Police and he was not implicated as a accused. Therefore, the entire proceedings are a cooked up theory and hence the case in C.C.No. 2214 of 2019 cannot be sustained.

9. In view of the above, the proceedings in C.C.No. 2214 of 2019 on the file of the XXIII Metropolitan Magistrate Court, Saidapet, Chennai is quashed. Accordingly, this Criminal Original Petition is allowed and consequently, connected miscellaneous petition is closed.

12.10.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
nsl/veda



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nsi/veda

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