



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.10.2025

Coram:

The Honourable Mrs.Justice T.V.THAMILSELVI

Crl.R.C.No.2179 of 2025

Remitbee INC
Represented by its team lead – HR
Mr.Dhananjaya Mahendran,
No.36/1, III Floor Ceebros Knowledge Towers,
Little Mount, Anna Salai,
Saidapet, Chennai – 15.

...Petitioner

Versus

The State Rep. by
The Inspector of Police,
J-3, Guindy Police Station,
Chennai – 32.

...Respondent

This Criminal Revision Case is filed under Sections 438 and 442 of BNSS, 2023 praying to call for the records in Crl.M.P.No.8438 of 2025 on the file of the IX Metropolitan Magistrate, Saidapet, Chennai and set aside the Order dated 28.08.2025.

For Petitioner : Mr.Akhil Bhansali

For Respondents : Dr.C.E.Pratap,
Government Advocate (Crl.Side)



ORDER

This Criminal Revision Case has been filed by the Petitioner seeking to set aside the Order dated 28.08.2025 in CrI.M.P.No.8438 of 2025 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

2. The brief facts of the case are that during September 2021, the Petitioner Company was in need of a skilled iOS Developer. In order to find a suitable candidate for that post, the Petitioner Company reached out to a recruitment agency, "Placement Expert". Based on the representations made and the documents furnished by one Mr.Sourabh Banerjee, the Petitioner Company sent an Offer Letter dated 14.09.2021 to said Sourabh Banerjee stating that their company offers him a full time employment as iOS Developer at their company with an annual salary package of Rs.24,00,000/-. In the year 2022, Sourabh Banerjee took sick leave for a long period. Upon assessing the poor performance of Sourabh Banerjee, the Petitioner Company terminated him from their company on 15.05.2023. Subsequently, the Petitioner Company discovered that Sourabh Banerjee had been employed as a Project Manager at Tata Consultancy Services Private Limited since 2022, overlapping with his employment at their Company.



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3. At the time of employment at Petitioner Company, the said Sourabh Banerjee had signed an Employment Contract dated 20.09.2021. Clause 18 of the said Employment Contract clearly mandates that the employee of the Petitioner Company should devote full time efforts to the Petitioner Company alone and should not create a conflict of interest. But, the said Sourabh Banerjee did not disclose to the Petitioner Company that he had been employed at another company. Further, he insisted that his salary be remitted directly from the Canadian entity to protect himself from getting detected for having another job in India. He cheated the Petitioner Company by drawing Rs.41,00,000/- as salary from their company. That apart, he joined the Petitioner Company by misrepresenting his technical qualification and professional experience. Hence, the Petitioner Company issued a Legal Notice dated 13.09.2024 to Sourabh Banerjee, but, he did not reply to the same. Thereafter, the Petitioner Company had lodged a police complaint against him, but, no action was taken against him. In this background, the Petitioner Company had filed a petition in CrI.M.P.No.8438 of 2025 before the Court of IX Metropolitan/Judicial Magistrate, Saidapet, Chennai praying to direct the Respondent Police to register FIR against the said Sourabh



Banerjee, but, the said petition was dismissed on 28.08.2025. Therefore, left with no other alternative, the Petitioner Company has filed the present Criminal Revision Case before this Court.

4. The learned counsel for the Petitioner Company submitted that while the proposed accused viz., Sourabh Banerjee had already been holding a full time employment as Project Manager at Tata Consultancy Services Private Limited, but, concealing the same, he procured employment at the Petitioner Company fraudulently by submitting fake documents regarding his technical qualification and professional experience. That apart, the proposed accused had cheated the Petitioner Company by drawing Rs.41,00,000/- as salary from it. At the time of filing the CrI.M.P.No.8438 of 2025 before the Court below, the Petitioner Company had enclosed the LinkedIn Page (documentary evidence to prove that the proposed accused had been working as Project Manager at Tata Consultancy Services Private Limited) as one of the documents.

4.1. It is further submitted by the learned counsel for Petitioner Company that by holding the role as an iOS Developer at Petitioner



Company, the proposed accused had privileged access to the Petitioner Company's internal systems, intellectual property and other sensitive business information. This access was granted to the proposed accused on the bona fide assumption that he was a full-time, trustworthy employee working exclusively for the Petitioner Company, but, the proposed accused exploited the trust placed on him by the Petitioner Company and committed criminal breach of trust.

4.2. Without considering the above aspects, the learned Magistrate has erroneously dismissed the petition filed by the Petitioner Company by holding that "the allegation against the proposed accused reveals only a breach of contract which gives rise to a cause of action to proceed before the Civil Court to claim damages and this Court does not find any cause of action to initiate penal proceedings and hence, this Court is not inclined to direct the Police to register a FIR". Therefore, the learned counsel prayed that the impugned order may be set aside and appropriate direction may be issued to the Respondent Police to register FIR against the proposed accused.



5. On the other hand, learned Government Advocate (Crl.Side) appearing on behalf of Respondent Police submitted that during enquiry, the Petitioner Company did not provide any material to substantiate the allegation against the proposed accused apart from a mobile number which was owned by another person and not by the proposed accused and hence, the Respondent Police were unable to proceed further against the proposed accused. Therefore, the learned Magistrate has dismissed the petition filed by the Petitioner Company.

6. Heard the learned counsel for Petitioner Company and the learned Government Advocate (Crl.Side) appeared on behalf of Respondent Police.

7. From a perusal of the materials available on record, it is seen that the proposed accused viz., Sourabh Banerjee joined the Petitioner Company as an iOS Developer for an annual salary package of Rs.24,00,000/- in the year 2021. Thereafter, upon assessing the poor performance of proposed accused, the Petitioner Company had terminated him from their company on 15.05.2023. It is also seen that subsequent to his termination, the Petitioner Company found that the proposed accused had already been working as a



Project Manager at Tata Consultancy Services Private Limited, but, suppressing the same, he procured employment in the Petitioner Company which is contrary to Clause 18 of the Employment Contract signed by him at the time of his employment in the Petitioner Company and the same would amount to criminal breach of trust.

8. It is to be noted that in the present case, the proposed accused had not only committed the offence of breach of trust, but, also, he had defrauded the Petitioner Company by submitting fake documents regarding his technical qualification and professional experience and that apart, he had cheated the Petitioner Company by drawing Rs.41,00,000/- as salary from it.

9. As far as this case is concerned, the proposed accused has committed criminal breach of trust and cheating with the Petitioner company under the guise of employee which is evident from his aforesaid activities. The documentary evidence, “LinkedIn Page” produced by the Petitioner Company clearly established the fact that the proposed accused had been working as Project Manager at Tata Consultancy Services Private Limited. Therefore, the Petitioner Company has lodged a police complaint against the



proposed accused. However, without considering the same, the learned Magistrate has dismissed the petition filed by the Petitioner Company by holding that this Court does not find any cause of action to initiate penal proceedings against the proposed accused and hence, this Court is not inclined to direct the Police to register FIR against the proposed accused.

10. Considering the above facts and circumstances of the case, I am of the opinion that it would be just and appropriate to issue direction to the Respondent Police to register FIR against the proposed accused since the allegation against the proposed accused needs proper investigation. Therefore, this Court is inclined to set aside the impugned order and allow this Criminal Revision Petition.

11. Accordingly, Order dated 28.08.2025 in CrI.M.P.No.8438 of 2025 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai is set aside and this Criminal Revision Petition is allowed. Consequently, the Respondent Police is directed to register FIR against the proposed accused, after due enquiry.



30.10.2025

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Index: Yes/No

Speaking Order (or) Non-Speaking Order

To

1. IX Metropolitan Magistrate,
Saidapet, Chennai.

2. The Inspector of Police,
J-3, Guindy Police Station,
Chennai – 32.

3. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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