



CrI.O.P.No.7091 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON : 27.11.2024

PRONOUNCED ON : 31.01.2025

Coram:

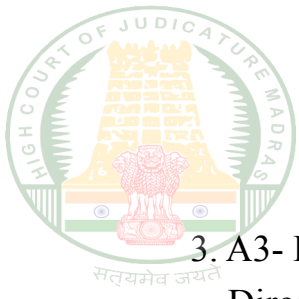
THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.7091 of 2024 and
CrI.M.P.Nos.5163 and 5164 of 2024

1.A1-M/s.Ideaforge Technology Limited
EL-146, TTC Industrial Area
Electronic Zone, MIDC - Mahape
Navi Mumbai - 400 710

Represented by Naveen Fernandes
(Authorised Representative & Administrative Manager)
M/s.Ideaforge Technology Limited
EL-146, TTC Industrial Area
Electronic Zone, MIDC - Mahape, Navi Mumbai - 400 710

2. A2-Ankit Mehta
Director & CEO
M/s.Ideaforge Technology Limited
EL-146, TTC Industrial Area
Electronic Zone, MIDC - Mahape
Navi Mumbai - 400 710



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3. A3- Rahul Singh

Director and Vice President, Engineering
M/s.Ideaforge Technology Limited
EL-146, TTC Industrial Area
Electronic Zone, MIDC - Mahape
Navi Mumbai - 400 710

4. A4- Vipur Joshi

Chief Financial Officer
M/s.Ideaforge Technology Limited
EL-146, TTC Industrial Area
Electronic Zone, MIDC - Mahape
Navi Mumbai - 400 710

5. A5 - Somil Guatam

General Manager - Sales & Business Development
M/s.Ideaforge Technology Limited
EL-146, TTC Industrial Area
Electronic Zone, MIDC - Mahape
Navi Mumbai - 400 710

... Petitioners

Vs.

1. The State of Tamil Nadu

Inspector of Police
Cyber Crime Police Station, Team -C
Greater Chennai Police,
Vepery, Chennai - 600 007



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2. Shyamkukmar

Authorised Representative

M/s.Garuda Aerospace Pvt. Ltd.

Office at No.24/46, K.B. Dasan Road

Alwarpet, Chennai - 600 018

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code to call for the record and quash the proceedings in C.C.No.6907 of 2023 pending before the learned Additional Chief Metropolitan Magistrate for C.C.B. Cases at Egmore, Chennai.

For Petitioners : Mr.Satish Maneshinde
Senior Counsel
for Mr.Kumarpal R.Chopra

For 1st Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor
and Mr.S.Sugendran
Additional Public Prosecutor

For 2nd Respondent : Mr.V.Karthic
Senior Advocate
for M/s.A.Ashwin Kumar



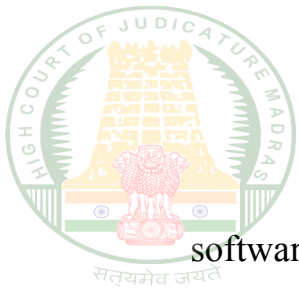
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ORDER

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This Criminal Original Petition has been filed by the petitioners to quash the proceedings in C.C.No.6907 of 2023 pending before the learned Additional Chief Metropolitan Magistrate for C.C.B. Cases at Egmore, Chennai.

2. The allegation against the petitioners is that the petitioner-Company namely M/s.Ideaforge Technology Limited approached the second respondent/defacto complainant for selling their new product RYNO (Q4i-Micro) IAV/Drone on March 2021. The complainant's company expressed their interest in purchasing 15 nos. of RYNO (Q4i-Micro) IAV/Drone and placed an order for the said drones and made full payments for the same in compliance with the agreed terms. The cumulative payment for the 15 drones, including GST, amounted to Rs.2,20,67,050/-. The Drone's software was being maintained, updated and serviced by the petitioner-Company. On 10.06.2023, the petitioner-Company without any prior notice or justifiable reason, virtually locked and disabled the purchased UAVs/Drones by disabling their essential



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software, rendering them completely non-functional and incapable of being

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commissioned for their intended activities. The drones, which were deployed in

the Swamitva Project for SOI-Lucknow, were brought to an abrupt standstill

due to petitioner-Company locking of the Drone's Software. Furthermore, the

remaining drones were actively engaged in a Rs.70 Crore project, in

partnership with the Government of Odisha. The petitioner-Company's actions

inflicted serious hindrance, which compelled the Government of Odisha to

incur substantial additional expenses and caused the complainant's company to

be blacklisted by the Government of Odisha in all tenders. When the

complainant's company approached the petitioner-Company for redressal, they

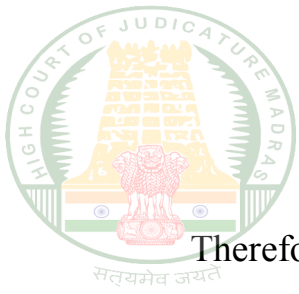
made unscrupulous allegations and justified their acts of unauthorizedly

accessing the drones and illegally disabling the same to cause unlawful loss. A

legal notice was sent to petitioner-Company on 20.06.2023 for which, the

petitioner-Company sent reply notice on 05.07.2023, admitting to the above act

and threatening to initiate false proceedings against the complainant's company.



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Therefore, the second respondent lodged a complaint and based on which, the FIR in Crime No.235 of 2023 came to be registered.

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3. Based on the complaint given by the second respondent, the first respondent police has registered the case in Crime No.235 of 2023 against the petitioners for the offence under Section 66 read with Section 43 (f) of the Information Technology Act, 2008 and after investigation, they laid the charge sheet before the learned Additional Chief Metropolitan Magistrate, Egmore, Chennai for the offence under Sections 409 and 420 of IPC and Sections 43, 65 and 66 of the Information Technology Act, 2008. The learned Additional Chief Metropolitan Magistrate taken the charge sheet on file in C.C.No.6907 of 2023. Pending trial, the petitioners have filed the present petition to quash the said C.C.No.6907 of 2023 against them.

4. The learned counsel for the petitioners submitted that no prima facie case has been made out against the petitioners. A bare perusal of the charge sheet makes it clear that there is no specific allegation whatsoever against the



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petitioners nor has any overt act being attributed to any of them. The

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allegations in the charge sheet have been levelled against the 1st petitioner/A1

Company and there is no single allegation in the entire charge sheet against the

petitioners 2 to 5.

4.1 The learned counsel for the petitioners further submitted that Section 409 IPC deals with any person who has in any manner been entrusted with property or with dominion over property in his capacity as a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent and commits criminal breach of trust, whereas, in the present facts and circumstances, the petitioners are neither public servants nor bankers, merchants, factors, brokers, attorneys or agents of Garuda/2nd respondent and hence, Section 409 IPC has been wrongly applied in the present case.

4.2. The learned counsel for the petitioners further submitted that Section 420 IPC deals with whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person or to make, alter or



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destroy the whole or any part of a valuable security, or anything which is

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signed or sealed and which is capable of being converted into a valuable

security, but in the present case, it is the 1st petitioner-Company who has

delivered drones to 2nd respondent and a perusal of the entire charge sheet

would make it evident that there is no single allegation that would remotely

attract the ingredients of cheating. Further, Section 43 of the IT Act has been

wrongly been invoked. The 1st petitioner-Company is the sole owner of the

software used to operate the drones and thus, the 1st petitioner-company has

the right to deactivate the license key of the subject drones. This fact is duly

corroborated by the Terms of Purchase. Further, Section 43 of the IT Act only

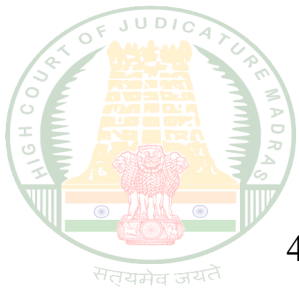
punishes the denial of access if it is done without the permission of the owner

or person in charge of a computer, computer system or computer network.

Thus, the 1st petitioner being the owner and in-charge of the drone software,

the said provision is wholly inapplicable in the present facts and

circumstances.



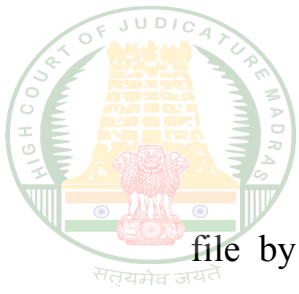
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4.3 The main ground taken by the petitioners is that the dispute is civil

in nature. The defacto complainant himself has violated the terms of purchase especially Clause 5.0 of the Terms of Purchase which deals with warranty provisions. Therefore, the complaint itself is nothing but abuse of process of law. The Hon'ble Supreme Court and this Court time and again held that civil dispute cannot be given criminal colour and if any of the parties attempts to give a colour of criminal offence, the Court can quash the proceedings by invoking Section 482 of Cr.P.C. Therefore, this petition has to be allowed and the case in C.C.No.6907 of 2023 has to be quashed as against the petitioners.

5. According to the learned counsel for the defacto complainant/second respondent, the petitioners have cheated the defacto complainant and committed offence under the Information Technology Act and it is not a simple dispute of civil nature. Based on the complaint given by the defacto complainant, the respondent police registered the case and only after investigation, they filed the final report and the same has also been taken on

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file by the Magistrate. The grounds taken by the petitioners are mater of

defense which can be decided only after trial and not at this stage. Therefore,

this petition is liable to be dismissed.

6. Heard both sides and perused the materials available on record.

7. It is seen that based on the complaint given by the defacto complainant/second respondent, the first respondent police registered the case in Crime No.235 of 2023 and after completion of investigation, laid the charge sheet and the same has also been taken on file by the Additional Chief Metropolitan Magistrate for C.C.B. Cases, Egmore, Chennai, in C.C.No.6907 of 2023. In the FIR, there is a prima facie allegations against the petitioners and based on the materials collected and statements recorded from the witnesses, the first respondent police has laid the charge sheet.

8. Therefore, a reading of the complaint, FIR, charge sheet and also the statements of the witnesses shows that there are sufficient materials to proceed the case against the petitioners. The grounds taken by the petitioners are

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nothing but defense which can be decided only after trial and this Court does

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not find any reason to quash the charge sheet against the petitioners.

9. Therefore, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

10. However, the petitioners are at liberty to take all their defence before the trial Court.

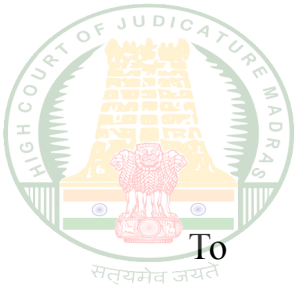
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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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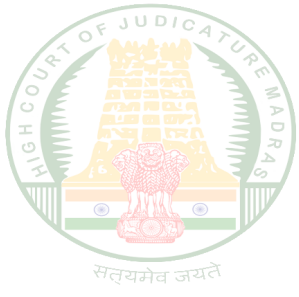


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To

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1. The Additional Chief Metropolitan Magistrate for C.C.B. Cases
Egmore, Chennai.
2. The Inspector of Police
Cyber Crime Police Station, Team -C
Greater Chennai Police
Veperiy, Chennai - 600 007
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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Pre-delivery Order in

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