

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.Nos.22812 and 22813 of 2015

ABREF Private Ltd.

Rep by its Director M.Vijay Raj,
Having its Registered Office cum Factory premises at
F-17, SIPCOT Industrial Complex,
Gummidipoondi-601 201.
Tiruvallur District.

...Petitioner in both Crl.OPs

Vs

1.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2.The Deputy Superintendent of Police,
Gummidipoondi,
Gummidipoondi-601 201.
Tiruvallur District.

3.The Inspector of Police,
Gummidipoondi,
Gummidipoondi-601 201.

4.The Sub-Inspector of Police,
F2, SIPCOT Police Station,
Gummidipoondi-601 201.
Tiruvallur District.

...Respondent in both Crl.OPs

Prayer in Crl.OP.No.22812 of 2015 : Criminal Original Petition
filed under Section 482 of Cr.P.C., praying to direct the 4th
respondent to immediately register FIR on the petitioner's
complaints dated 24.08.2015, 31.08.2015 and proceed against the
accused detailed in the complaint in accordance with law.

Prayer in Crl.OP.No.22813 of 2015 : Criminal Original Petition
filed under Section 482 of Cr.P.C., praying to direct the
respondents to immediately act on the petitioner's complaints dated
24.08.2015, 31.08.2015 and to give adequate police protection to

the petitioner's factory premises situated at No.F17, SIPCOT Industrial Complex, Gummidipoondi-601 201, Tiruvallur District and ensure that New Democratic Labour Front [NDLF]-ABREF Branch, Regn.No.43/TVR (Union), its workers, supporters, sympathizers and agents do not assemble within a radius of 100 meters from the petitioner's factory precincts detailed above thereby enabling free ingress and egress of petitioner's workers, staff members, executives, movement of vehicles carrying raw materials and finished goods in and out of the petitioner's factory premises detailed above in accordance with the orders dated 28.08.2015 passed in I.A.No. 655/2015 in O.S.No.215/2015 on the file of the Subordinate Court, Ponner.

For Petitioner : Mr.N.R.Anantha Ramakrishnan
in both Crl.OPs

For Respondents : Mr.C.Emalias,
in both Crl.OPs Addl. Public Prosecutor

C O M M O N O R D E R

It is seen that there is an industrial unrest in the petitioner's unit, in connection with which, the petitioner filed OS.No.215 of 2015 before the Sub Court, Ponneri, which passed the following order:

"Heard the counsel for the petitioner. Perused the documents. The learned counsel for the petitioner submit that the petitioner is a registered Private Limited Company engaged in production of ceramics. The respondent is the employees union of the petitioner company. The petitioner has availed the services of the contract labourers for loading and unloading of raw materials and finished products. The petitioner after following the procedure prescribed by law has issued lay off notice on 08.08.2015 to 32 workers of the company. It is further submitted that in response to the lay off notice the members of the respondent union started disturbing the flow of raw materials and finished goods in the petitioner company. The members of the respondent union are also causing disturbance to the employees of the petitioner company without any justification. The petitioner has made out a prima facie case and balance of convenience lies with the petitioner. If an order of interim injunction is not granted the petitioner will be put to irreparable loss. Hence ad interim injunction is granted till 11.09.2015 against the respondent from assembling or carryout any demonstration or causing

disturbance to the employees of the petitioner company within a radius of 100 meters from the petitioners factory premises. Notice to respondent by then. Call on 11.09.2015."

From the above order, it is clear that, no demonstration should be carried out within a radius of 100 meters from the petitioner's factory.

2. It is contended by the petitioner that, despite specific order of the Civil Court, the employees are violating it and preventing free ingress and egress of movement of materials from the company.

3. Hence, the respondent police is directed to conduct enquiry on the complaint dated 24.08.2015 and 31.08.2015 and provide sufficient bandobast around the petitioner's unit and implement the Civil Court order in letter and spirit, so that, there is no threat to free movement of materials from and into the company. Similarly, the police should also provide protection to the workers who are willing to attend the duties.

These petitions are ordered accordingly.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Tiruvallur District, Tiruvallur.

2.The Deputy Superintendent of Police,
Gummidipoondi-601 201.
Tiruvallur District.

3.The Inspector of Police,
Gummidipoondi-601 201.

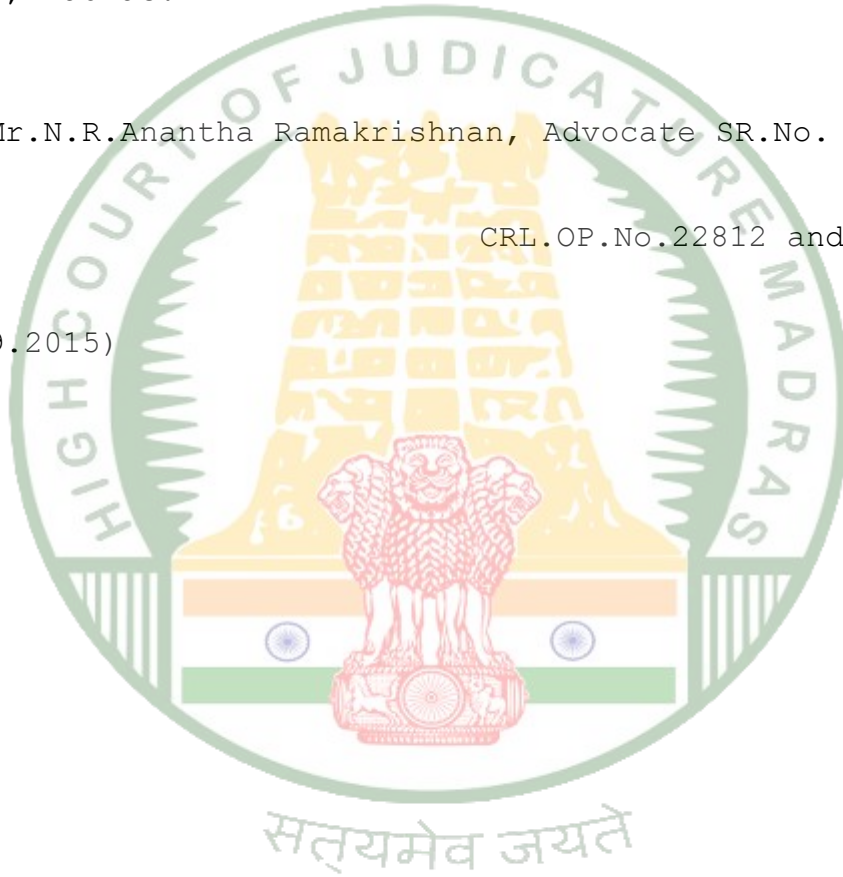
4.The Sub-Inspector of Police,
F2, SIPCOT Police Station,
Gummidipoondi-601 201.
Tiruvallur District.

5.The Public Prosecutor,
High Court, Madras.

2 CCs to Mr.N.R.Anantha Ramakrishnan, Advocate SR.No. 50164 & 50165

CRL.OP.No.22812 and 22813 of 2015

PA (CO)
PSI (18.09.2015)



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