

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

Case No. Crl.P. No.3223 of 2012

Between:

A. Rama Mohana Rao S/o. Sri Seetharamaiah
... Petitioner/Appellant (s)

and

The State of Andhra Pradesh,
rep.by Public Prosecutor, High Court,
Hyderabad and others
... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

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|---|---|--------|
| 1 | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| | | |
| 2 | Whether the copies of judgment may be
marked to Law Reports/Journals | Yes/No |
| | | |
| 3 | Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

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THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.3223 OF 2012

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ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings initiated against the petitioner in STC No.48 of 2011 on the file of the Junior Civil Judge-cum-VII Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District.

The brief facts of the case are that the petitioner is the Managing Director of M/s.Ushakiron Movies Limited. As some of the employees of the company refused to attend their normal duties by recording their attendance in their shifts pm 17.09.2008, the Management initiated disciplinary proceedings. Thereafter, the Ramoji Film City Ushakiron Staff and Workers Union approached the Joint Commissioner of Labour and placed charter of demands on 27.01.2009 and the Joint Commissioner convened a conciliation meeting and the Management did not agree and consequently the demands were referred for adjudication. Thereafter, pursuant to the domestic enquiries, dismissal orders were issued to 21 employees vide orders, dated 19.10.2010 by the Management. The Union has submitted a representation to the Joint Commissioner of Labour, RR Zone, Hyderabad, on 25.10.2010 complaining that during the pendency of the conciliation proceedings, the Management has dismissed 21 employees from their services, pursuant to which the authority has issued a show cause notice to the Management on 16.12.2010 and the Management has submitted its reply on 31.12.2010. But, without considering the explanation submitted by the Management, the 2nd respondent has lodged a complaint before the Junior Civil Judge – cum- VII Metropolitan Magistrate, Cyberabad, Hayatnagar Mandal, Ranga Reddy District, basing on which, the learned Magistrate has taken cognizance for the charge of violation of provisions of Section 33 of the Industrial Disputes Act, against the petitioner in STC No.48 of 2011 and issued

summons to the petitioner. Aggrieved by the same, the petitioner has filed the present criminal petition to quash the proceedings in STC No.48 of 2011 on the file of the Junior Civil Judge cum VII Metropolitan Magistrate, Cyberabd.

Learned counsel for the petitioner contended that the complaint does not disclose any ingredients of the offence of unfair labour practice against the petitioner and though the petitioner submitted its reply to the show cause notice issued by the 2nd respondent, the complaint was made before the Court and the learned Magistrate also, without appreciating the contents of the complaint, took cognizance of the same in a mechanical manner.

On the other hand, learned Government Pleader for Labour submitted that the Management has acted in contravention of the provisions of Section 33 of the Industrial Disputes Act, 1947 and therefore, the authorities have filed the complaint.

After perusing the entire record and after hearing the arguments of both the learned counsel, without expressing any opinion on the contentions raised by the learned counsel for the petitioner, this Court is of the view that the procedure followed by the 2nd respondent, is not in accordance with law and it amounts to abuse of process of law. Since there are lot of discrepancies in following the procedure by the 2nd respondent, the entire proceedings are liable to be quashed.

Accordingly, the Criminal Petition is allowed quashing the proceedings in STC No.48 of 2011 on the file of the Junior Civil Judge cum VII Metropolitan Magistrate, Cyberabad at Hayathnagar, Ranga Reddy District. At the same time, the authorities concerned are not precluded to proceed against the petitioner, if they so desire, after applying appropriate provisions.

The miscellaneous petition, pending if any, shall stand closed.

RAJA ELANGO, J

July 23, 2015.
KTL