

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

Case No. Crl.P. No.4795 of 2012

Between:

K.Bapineedu S/o. Sri K. Ramamohan Rao

... Petitioner/Appellant (s)

and

The State of Andhra Pradesh,
rep.by Public Prosecutor, High Court,
Hyderabad and another

... Respondent (s)

DATE OF JUDGMENT PRONOUNCED: 23.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAJA ELANGO

- | | | |
|---|--|--------|
| 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 |

-

-

-

-

-

-

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL PETITION No.4795 OF 2012

-

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C., seeking to quash the proceedings initiated against the petitioner in STC No.46 of 2012 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 Vice President of M/s.Ushodaya Enterprises Private Limited (Television Division). One P.Balaraju is working as Housekeeping Assistant in that company. The Company transferred the said employee to its office at Andheri, Mumbai, and relieved him on 10.11.2010, for which the said employee submitted a letter stating that he is a Class-IV employee, and as such, he cannot be transferred from one place to another. The company again issued a letter to him to join in the place, where he was transferred, otherwise, disciplinary action would be initiated against him. Thereafter, basing on the representation submitted by the General Secretary of Ramoji Film City Ushakiron Staff and Workers Union, with regard to transfer of the said employee, the 2nd respondent sought for the remarks of the petitioner on the said representation. A writ petition was also filed before this Court in that regard.

Thereafter, the Union has submitted another representation to the Joint Commissioner of Labour, RR District, basing on which the Deputy Commissioner of Labour, Ranga Reddy District, sought explanation from the Management to which the Management has also submitted a detailed explanation. Thereafter, the Deputy Commissioner sought permission of the Joint Commissioner to prosecute the Management and to authorize the 2nd respondent to file a case in the appropriate Court of law, which was granted.

Accordingly, the 2nd respondent lodged the 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 against the petitioner and issued summons to the petitioner. Aggrieved by the same, the petitioner has filed the present criminal petition.

Learned counsel for the petitioner contended that the complaint does not disclose any offence against the petitioner and the very transfer issue itself admitted into conciliation in pursuance of the representation made by the Union before the Joint Commissioner and that the authority concerned, without taking into consideration the explanation submitted by the petitioner, filed the present complaint and the learned Magistrate also without appreciating the contents of the complaint, took cognizance of the complaint in a mechanical manner.

On the other hand, learned Government Pleader for Labour submitted that the petitioner transferred a low paid employee to a far away place and resorted to unfair labour practice, thereby, causing financial and mental harassment to the said employee by not allowing him to attend his duties at Hyderabad office.

After perusing the entire record and after hearing the arguments of the Government Pleader for Labour, 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 authorities concerned, is not in accordance with law, since there are lot of discrepancies, and the provisions of the Act were also not followed, which amounts to abuse of the process of law. Hence, this Court is of the view that the entire proceedings are liable to be quashed.

Accordingly, the Criminal Petition is allowed, quashing the proceedings in STC No.46 of 2012 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 of law.

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

RAJA ELANGO, J

July 23, 2015.
KTL