

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

Case No. Crl.P. No.2805 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

- | | | |
|---|--|--------|
| 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.2805 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.11 of 2011 including the orders dated 06.01.2012 passed in CrI.M.P. No.3536 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 on 17.09.2008, the Management initiated disciplinary proceedings. Thereafter, the Ramoji Film City Ushakiron Staff and Workers Union made a complaint to the Joint Commissioner of Labour, RR Zone, Hyderabad. The authority has sought for the response of the Management and a proper reply was submitted by the Management on 28.01.2009 and the Union also submitted its reply on 31.01.2009. While the matter stood thus, the Management has dismissed 22 employees vide orders, dated 19.10.2010. 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 22 employees from their services. The 2nd respondent has lodged a complaint before the Junior Civil Judge – cum- VII Metropolitan Magistrate, Cyberabad, Hayatnagar Mandal, Ranga Reddy District, for the alleged unfair labour practice and basing on the same, the learned Magistrate has taken cognizance for the charge of unfair labour practice against the petitioner in STC No.11 of 2011 and issued summons to the petitioner. Though the petitioner filed CrI.M.P.No.3536 of 2011 before the said Court seeking discharge from

the said charges, the trial Court dismissed the said application vide orders, dated 06.01.2012. Hence, the petitioner filed the present criminal petition to quash the proceedings in STC No.11 of 2011 on the file of the Junior Civil Judge cum VII Metropolitan Magistrate, including the orders passed in CrI.M.P. No.3536 of 2011.

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 basing on the representations of the union only, the present 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.

Learned Government Pleader for Labour submitted that the Management is guilty of unfair labour practice within the meaning of Section 2 (Ra) r/w clause IV(a) of the Industrial Disputes Act.

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.11 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.

July 23, 2015.
KTL

RAJA ELANGO, J