

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.Nos.2116 to 2133 of 2016 &
Crl.M.P.Nos.1092 to 1127 of 2016

- 1.M/s. Mount Metter Pharmaceuticals Ltd.,
New No.18, Old No.38, II Floor, KNS Estate,
Karpagambal Nagar, Mylapore,
Chennai - 600 004.
 - 2.Sri Pawan Kumar Nathany,
Director - M/s. Mount Metter Pharmaceuticals Ltd.,
New No.18, Old No.38, II Floor, KNS Estate,
Karpagambal Nagar, Mylapore,
Chennai - 600 004.
 - 3.Sri Yogendra Kumar Nathany,
Director - M/s. Mount Metter Pharmaceuticals Ltd.,
New No.18, Old No.38, II Floor, KNS Estate,
Karpagambal Nagar, Mylapore,
Chennai - 600 004.
 - 4.Sri Narendra Kumar Chitlangia
Director - M/s. Mount Metter Pharmaceuticals Ltd.,
New No.18, Old No.38, II Floor, KNS Estate,
Karpagambal Nagar, Mylapore,
Chennai - 600 004.
- .. Petitioners in all Crl.O.Ps

Vs.

Employees Provident Fund Organisation,
Rep. by Shri. R. Logantan,
Inspector, sub-Regional Office,
R 40, A-1. TNHB Shopping cum Office Complex,
Mogappair Road, Mogappair East,
Chennai - 600 037.

.. Respondent in all Crl.O.Ps

PRAYER in all CrI.O.Ps: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the Charge Sheet in C.C.Nos.402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418 & 419 of 2010 respectively and quash the same.

For Petitioners in all CrI.O.Ps :Mr. D. Bharatha Chakravarthy
for M/s. K.S.Natarajan

For Respondents in all CrI.O.Ps :Mr. K. Gunasekar SPL.CG

COMMON ORDER

The respondent herein had preferred various complaints against the petitioners/accused in various cases under Section 14 A / 14-2A of the Employees' Provident Funds and Miscellaneous Provisions Act 1952. According to the respondent, the petitioner company which is established under the meaning of Employees' Provident Funds and Miscellaneous Provisions Act 1952, is bound to pay the administrative charges within 15 days of the close of every month and had failed to pay the Provident fund contributions on or before the cut-off date. As the petitioner Company had failed to pay the aforesaid amount even after repeated demands, a sanction order was obtained from the Sub-Regional Officer, Chennai and the present complaints have been filed.

2.The learned counsel for the petitioners submits that though

there was inordinate delay in paying the Provident Fund Contributions, the petitioner Company had subsequently paid the contributions on various dates between 2010 and 2011. The said fact is not disputed by the respondent also.

3. In view of the fact that the petitioner Company had paid the Provident Fund Contributions to the respondent, there cannot be any revenue loss to the respondent Department.

4. Though the delayed payment of Provident fund contributions may attract the provisions of the Employees Provident Funds and Miscellaneous Provisions Act, taking a sympathetic view of the matter that the petitioner Company had subsequently paid the Provident fund contributions, this Court is of the view that the criminal proceedings need not be initiated as against the petitioner Company. Consequently, the proceedings in C.C.Nos.402 to 419 of 2010 on the file of the learned Judicial Magistrate, Ambattur are hereby quashed and the Criminal Original petitions stand allowed. Consequently, connected miscellaneous petitions are closed.

08.08.2017

Index:Yes/No
Internet:Yes/No

dn/nl

M.S.RAMESH.J,

dn/nl

To

1. Employees Provident Fund Organisation,
Rep. by Shri. R. Logantan,
Inspector, sub-Regional Office,
R 40, A-1. TNHB Shopping cum Office Complex,
Mogappair Road, Mogappair East,
Chennai - 600 037.

2. The Public Prosecutor,
High Court, Madras.

Crl.O.P.Nos.2116 to
2133 of 2016



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