

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. No.10148 of 2018
and
W.M.P. No. 12092 of 2018

Myoung Shin India Automative Pvt. Ltd.
rep. by its Managing Director
Mr. Yong Soo Shin

...Petitioner

vs.

1. The Inspector of Police,
C-1 Sriperumbudur Police Station,
Sriperumbudur ,
Kancheepuram District.

2. Mr. V. Vinoth Kumar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, direction forbearing the 1st respondent from taking any step or conducting any enquiry pursuant to the summons dated 19.04.2018 (written as 19.04.2019) issued by the 1st respondent based on the complaint of the 2nd respondent dated 16.04.2018 to be held on 24.04.2018 or any day thereafter and pass such further orders.

For petitioner : Mr.S. Silambanan , S.C. for
M/s.Kaavya Silambanan Associates

For Respondent : Mr. D. Raja
Government Advocate for R1

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O R D E R

This Petition has been filed seeking to direct the 1st respondent from taking any steps or conducting any enquiry pursuant to the summons dated 19.04.2018 (written as 19.04.2019) issued by the 1st respondent based on the complaint of the 2nd respondent dated 16.04.2018 to be held on 24.04.2018 or any day thereafter.

2. It is seen that based on the complaint given by one Vinoth Kumar the 2nd respondent herein, the 1st respondent has issued summons under Section 160 and 91 of CrPC to the petitioner. Challenging which, this writ petition has been filed.

3. Heard Mr. Silambanan, learned counsel for the petitioner and Mr. D. Raja, learned Government Advocate.

4. Mr. Silambanan, learned counsel submitted that the dispute is essentially a labour dispute in which police have no jurisdiction to conduct investigation.

5. There can be no two opinions on this. A labour dispute has to be resolved before the authorities constituted under the Labour legislations. However, the police cannot be completely debarred from conducting preliminary enquiry, when a complaint is given, atleast for giving a closure to the file. Hence, a representative of the petitioner is directed to appear before the 1st respondent police and the 1st respondent police shall not harass the representative. The 1st respondent is further directed not to interfere in the labour dispute, unless there is any law and order issue.

6. With the above direction, this writ petition is closed. Consequently, the connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

avr

To

1. The Inspector of Police,
C-1 Sriperumbudur Police Station,
Sriperumbudur ,
Kancheepuram District.

+1 CC to Govt. Pleader sr 30754.

+1 CC to M/s.Kaavya Silambanan Associates, sr 31065(26/04/2018)

W.P. No.10148 of 2018

and

W.M.P. No. 12092 of 2018

SP(25/04/2018)