

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Crl.O.P. Nos.26528, 26520 and 26524 of 2012
and

M.P. Nos.1,1,1 & 2,2,2

B.Dilli Babu

... Petitioner in all Crl.O.Ps

Vs.

Tamil Nadu State

Rep by its

Inspector of Factories,

No.6, Lalbahadur Sasthri Street,

Periyakuppam,

Tiruvallur-602 001.

... Respondent in all Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, to call for the records in S.T.C. Nos.425, 426, 424 of 2011, pending on the file of the Chief Judicial Magistrate, Tiruvallur, Tiruvallur District and quash the same.

For Petitioner : Mr.C.Prakasam in all Crl.O.Ps.

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl.Side)
in all Crl.O.Ps.

C O M M O N ORDER

The petitioner is shown as an accused in S.T.C. Nos.425 of 2011, 426 of 2011 and 424 of 2011 on the file of the Chief Judicial Magistrate, Tiruvallur. He has filed these petitions to call for the entire records in S.T.C. Nos.425, 426, 424 of 2011 and quash the same.

2.The Inspector of Factories conducted inspection in the premises of the petitioner's factory on 08.08.2011 at about 3.30 P.M. wherein, manufacturing process of cement concrete tiles with the help of the machineries of the capacity of 22 HP was going on. According to the Inspector of Factories, the workers who are employed in the Factory did not produce any authority of license for running the Factory under the Factories Act, 1948. It is the further case of the Inspector of Factories that the petitioner also contravened the provisions of Section 7 (1) Rule 12, Section 2 (m) (i) and Section 112 Rule 103 r/w section 7 (5), Section 92, Section 101 and Sub Section 1 of Section 105 of

the Factories Act, 1948.

3. The learned counsel for the petitioner contended that though the Inspector of Factories has, in his private complaint before the learned Chief Judicial Magistrate, Thiruvallur contended that the petitioner had employed 11 persons, he has not recorded the statements of all those persons and also did not furnish the names and other details of those persons.

4. Per contra, the learned Government Advocate (CrI. Side) contended that the Inspector of Factories who conducted inspection on 08.08.2011, in the premises of the petitioner, had found 11 persons employed by him and also prepared a list showing their names and addresses and also the salary paid to them.

5. At the outset, it may be observed that the Inspector of Factories who inspected the premises of the Factory run by the petitioner is a public servant discharging his official duty and he had found two mixing machineries each of 10 HP and 2 vibrating machines each of the capacity of 1 HP. He has also found 11 persons working in the Factory violating the Minimum Wages Act, 1948 and the provisions of Factories Act, 1948. Therefore, he has filed the private complaints before the Chief Judicial Magistrate, Thiruvallur for all the irregularities observed by him. Merely because the statements of the persons employed in the Factory workers were not recorded by the Inspector of Factories, the entire proceedings cannot be quashed, especially when it is alleged that the petitioner did not even produce the license for running the factory and has also contravened the provisions Sections 2 (m) (i) and 2 (g) of the Factories Act, 1948. The complaints have been filed based on the inspection done by the public servant viz., the Inspector of Factories as per the provisions of the Factories Act, 1948 and it cannot be said the final reports have been filed with an ulterior motive. Therefore, I do not find any reason to quash the proceedings which are pending before the learned Chief Judicial Magistrate, Thiruvallur in S.T.C. Nos 425, 426, 424 of 2011.

6. Resultantly, these petitions are dismissed and connected miscellaneous petitions are also closed.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

rkp

To

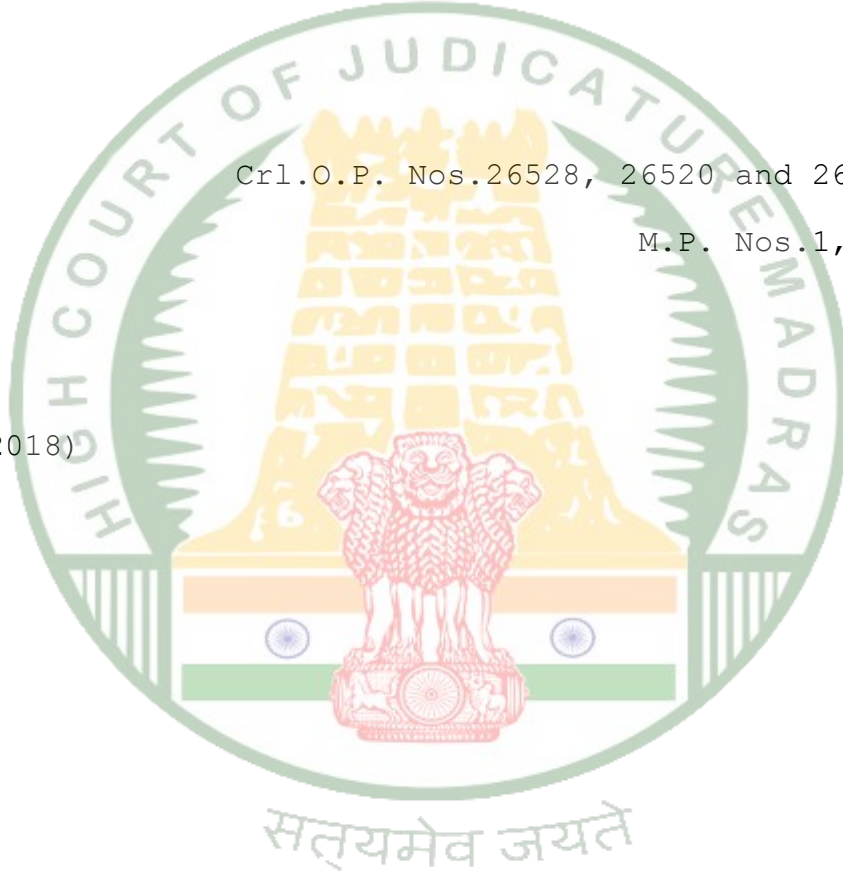
1.The Inspector of Factories,
No.6, Lalbahadur Sasthri Street,
Periyakuppam,
Tiruvallur-602 001.

2.The Chief Judicial Magistrate,
Thiruvallur.

3. The Public Prosecutor,
Madras High Court,
Madras.

Crl.O.P. Nos.26528, 26520 and 26524 of 2012
and
M.P. Nos.1,1,1 & 2,2,2

SP (25/06/2018)



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