

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.28486 of 2012 and
M.P.No.1 fo 2012

B.Swaminathan

...Petitioner/ Accused

.Vs.

The Tamilnadu State represented by
The Inspector of Factories,
First Circle, Kancheepuram,
130/1, Gandhi Irwin Road,
Sriperumbudur.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records relating to C.C.No.217
of 2012 now pending trial on the file of the learned Chief
Judicial Magistrate, Chengalpattu and quash the same.

For Petitioner : Mr.Karthik or M/s.Gopalan & Co.,
- No Appearance

For Respondent : Mr.R.Surya Prakash
Govt. Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking to
quash the proceedings in C.C.No.217 of 2012 on the file of the
learned Chief Judicial Magistrate, Chengalpattu.

2 When the matter is taken up for hearing, none appeared
on behalf of the petitioner. The petitioner was prosecuted by
the respondent for violating the Rules contemplated under the
Factories Act, in the above calender case. The petitioner seeks
quashing of the above calender case on the ground that the
respondent without considering the explanation offered by the
petitioner, had proceeded to initiate proceedings against the
respondent, which is contrary to law.

3 The learned Government Advocate (Crl.Side) appearing
for the respondent would submit that the respondent during
inspection found some discrepancies and issued show cause notice
for which, the petitioner has also offered his explanation. The
respondent being not satisfied with the explanations, inspected
the factory once again and sent a letter to the petitioner

intimating the action to be taken against him. Therefore, the respondent had duly informed the initiation of proceedings against him and the petitioner is liable to be punished.

4 Heard the learned Government Advocate (Crl.Side) and perused the materials available on record.

5 The petitioner's factory was inspected by the respondent on 27.06.2012 and found some irregularities and therefore issued a show cause notice dated 06.08.2012 calling upon the petitioner for offering his explanation and the petitioner has also sent his reply dated 21.08.2012. The respondent being not satisfied with the explanations offered by the petitioner, has filed a complaint before the learned Chief Judicial Magistrate, Chengalpatty, which was duly informed to the petitioner by letter dated 20.09.2012. On seeing the complaint, there is prima facie allegations against the petitioner and innocence of the petitioner shall be proved during trial. Therefore this Court is not inclined to quash the case as prayed for by the petitioner.

6 In the result the criminal original petition stands dismissed. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate,
Chengalpattu.

2. The Public Prosecutor,
High Court of Madras.

3. The Inspector of Factories,
First Circle, Kancheepuram,
130/1, Gandhi Irwin Road,
Sriperumbudur.

+1cc to Mr.T.S.Gopalan, Advocate, SR.No.82546

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Kak(31/10/2019)