



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.(MD)No.4862 of 2018

and

Crl.M.P(MD)Nos.2383 & 2384 of 2018

WEB COPY

1. Smt.S.Parvathavarthini,
Director, W/o.R.Shanmugam,
6/16 -D, Classic Illam,
Erukkadu Extensiaon, 1st Street,
Jeganathan Lauout, Mangalam Road,
Tiruppur-641 604.

... Petitioner/2nd Accused

Vs.

The Employees Provident Fund Organization,
Rep through its Enforcement Officer,
District Office, M-13 Division,
16-A, RMS Road, Nagal Nagar
Dindigul - 624 003.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to call for the records relating to the C.C.No.30 of 2018 on the file of the learned Judicial Magistrate, Palani and quash the same as far as the petitioner is concerned.

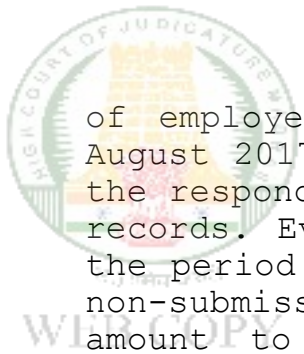
For Petitioner : Mr.J.Senthil Kumaraiah
For Respondent : Mr.K.Murali Sankar

O R D E R

This petition has been filed to quash the proceedings in C.C.No.30 of 2018 on the file of the learned Judicial Magistrate, Palani.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

3. The respondent filed a private complaint as against the petitioner alleging that defaulting of Employees Provident Fund dues in respect of the petitioner's establishment (M/s.Classic Knits India Private Limited). On 08.09.2017, the petitioner's establishment was inspected by the Complainant/Enforcement Officer/Inspector with prior intimation tot he said establishment. On 11.09.2017, the Inspector had visited the petitioner's establishment and requested them to produce the records such as Attendance Registers, Salary Registers in respect of all categories



of employees engaged in the establishment from January 2016 to August 2017. But, they have not produced those records. Therefore, the respondent issued Show cause notice on 15.11.2017 to produce the records. Even then, they failed to produce the records. Only after the period of expiry, they submitted those records. Therefore, the non-submission of the records in the stipulated time as prescribed, amount to the offence under Section 14 (2) of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.

4. Now, the learned counsel for the petitioner would submit that the entire arrears was payable by the petitioner and monthly contribution of the petitioner also duly paid by the petitioner and till today there is absolutely no amount is due in respect of Employees Provident Fund.

5. The learned counsel for the respondent would submit that as on today, no amount is due from the petitioner. Insofar as other allegations are concerned, in respect of producing the documents is now complied with.

6. Considering the above facts and circumstances, the pendency of C.C.No.30 of 2018 is would not serve any purpose. The petitioner need not undergo the ordeal of facing a criminal trial.

7. In view of the above, the proceedings in C.C.No.30 of 2018 on the file of the learned Judicial Magistrate, Palani, is hereby quashed as against the petitioner herein and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

dss

To

The Judicial Magistrate, Palani.

+1 CC to M/s.K.MURALI SANKAR, Advocate SR-93292.

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate SR-93366.

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