



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.6859 of 2017

and

Crl.M.P. (MD) Nos.4606 & 4607 of 2017

K.R.Nagarajan

... Petitioner/ Sole Accused

vs.

The State through
Mr.C.Arumugam,
Labour Assistant Inspector,
First Circle, Nagercoil,
Kanyakumari District.

... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in S.T.C.No.50 of 2017 on the file of the Judicial Magistrate No.II, Nagercoil and quash the same.

For Petitioner : Mr.N.Tamilmani

For Respondent : No Appearance

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings pending before the Court below in STC No.50 of 2017.

2. The respondent, who is the Labour Assistant Inspector has filed a private complaint against the petitioner for failing to furnish particulars in Column 3 of Form V, showing the dates of permitted national and festival holidays for the year 2015 as per Section 3 & 4 r/w Rule 5(1) and 3(4) and (5) of the Tamil Nadu Industrial Establishments (National and Festival Holidays) Act. (Tamilnadu Act No.XXXIII of 1958).

3. The learned counsel for the petitioner submitted that prior to the filing of the complaint, a show cause notice was issued by the respondent and a detailed reply has been given by the



petitioner categorically stating that Form-V indicating the particulars of the holidays was given and the same was not considered. It is further contended that no penal consequences are contemplated under the Act and in the present case, a criminal complaint has been given by the respondent. That apart, the learned counsel submitted that the complaint itself is barred by limitation and the Court below ought not to have taken cognizance.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent and considered the materials available on record.

5. Taking into consideration the facts and circumstances of the case and also of the fact that Form V was actually submitted by the petitioner and the only issue was that column 3 in the said form was not filled up, should not result in a criminal proceedings and the issue, which is very minor in nature should not be escalated to the level of a criminal prosecution.

6. Continuation of the proceedings against the petitioner will be an abuse of process of Court and the same needs interference of this Court in exercise of its jurisdiction under Section 482 of Cr.P.C.

7. In the result, the proceedings in STC No.50 of 2017 pending on the file of the learned Judicial Magistrate No.II, Nagercoil is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The learned Judicial Magistrate No.II,
Nagercoil.

+1 CC to MR.N. TAMILMANI, Advocate (SR-100850[F] dated 25/11/2019)

Order made in

Crl.O.P. (MD) .No.6859 of 2017

22.11.2019

KM/ (09.01.2020) 2P 3C

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