

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.25774 to 25781 of 2011

Crl.O.P.No.25774 of 2011:

Thiru P.R.Sriram ... Petitioner in Crl.O.P.25774 / 2011
25777/2011, 25779/2011

Thiru P.R.Sriram
S/o.Thiru P.R.Rajagopal
Employer Bharat Heavy Electricals Ltd.,
Work site, NTPC Tamil Nadu Energy
Company Ltd Vallur Thermal Power
Project Vellivoyal Chavadi Post,
Ponneri Taluk, Thiruvallur District,
Chennai-103. ...Petitioner in Crl.OP.No.25775/2011
25776/11, 25778/11, 25780/11, 25781/11

(Amended as per order of this
Court dt.07.12.11 in MP3/11 in
OP.25775/2011)

Vs.

The Govt. of Tamilnadu,
Rep. by the Inspector
of Factories,
Thiruvottriyur. ... Respondent in all Crl.Ops

Prayer in Crl.O.P.No.25774 of 2011:

Petition filed under Section 482 of Cr.P.C., seeking to
quash the complaint including the order taking cognizance dated
13.06.2011 and all consequential proceedings on the file of the
learned Judicial Magistrate-II, Ponneri in STC No.880 of 2011,
895/2011, 898/2011, 894/2011, 899/2011, 892/2011, 907/2011,
900/2011 Respectively

For Petitioner : Mr.A.L.Somayaji
Senior Advocate
for M/s.S.Ramasubramaniam Associates

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

C O M M O N O R D E R

The petitioner is the Executive Director of Bharath Heavy Electricals Limited/ a Government of India Undertaking within the meaning of Section 617 of the Companies Act and the petitioner is over all incharge of the Power Sector, Southern Region. The respondent is the Inspector of Factories, Thiruvottriyur. The respondent has lodged various complaints against the petitioner before the learned Judicial Magistrate No.II, Ponneri, alleging that during the inspection conducted by him in various sites, it was found that the petitioner has violated The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and The Tamil Nadu Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2006. The complaints were taken cognizance by the learned Judicial Magistrate No.II, Ponneri, in S.T.C.Nos.880, 895, 898, 894, 899, 892, 907 and 900 of 2011 respectively. Challenging the same, the petitioner has filed these criminal original petitions.

2.The learned Senior Counsel appearing for the petitioner would submit that all the criminal original petitions are filed by the former Executive Director of the Bharath Heavy Electricals Limited. He would further submit that the issue is no longer res integra and the issue has already been settled on the ground that without impleading the Company as party filing complaint against the Executive Director of the Company will vitiate the proceedings.

3.In support of his contentions, the learned Senior Counsel appearing for the petitioner relied upon the decision of the Hon'ble Apex Court dated 21.09.2007 made in Criminal Appeal No.1284 of 2007 [Arising out of SLP (Crl.) No.853 of 2007] in the case of C.P.Jain and others Vs. Inspector, Building and another.

4.The learned Additional Public Prosecutor did not dispute the submissions made by the learned Senior Counsel appearing for the petitioner.

5.The very same issue came up before this Court and this Court in the decision reported in MANI/TN/2099/2019 (M.S.Srinivasan Vs. Deputy Director (BOCW), Kanchipuram, Industrial Safety and Health), allowed the said criminal original petition.

6.In view of the categorical decision, these criminal original petitions are allowed and the proceedings in S.T.C.Nos.880, 895, 898, 894, 899, 892, 907 and 900 of 2011

respectively, on the file of the learned Judicial Magistrate No.II, Ponneri, are hereby quashed. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar

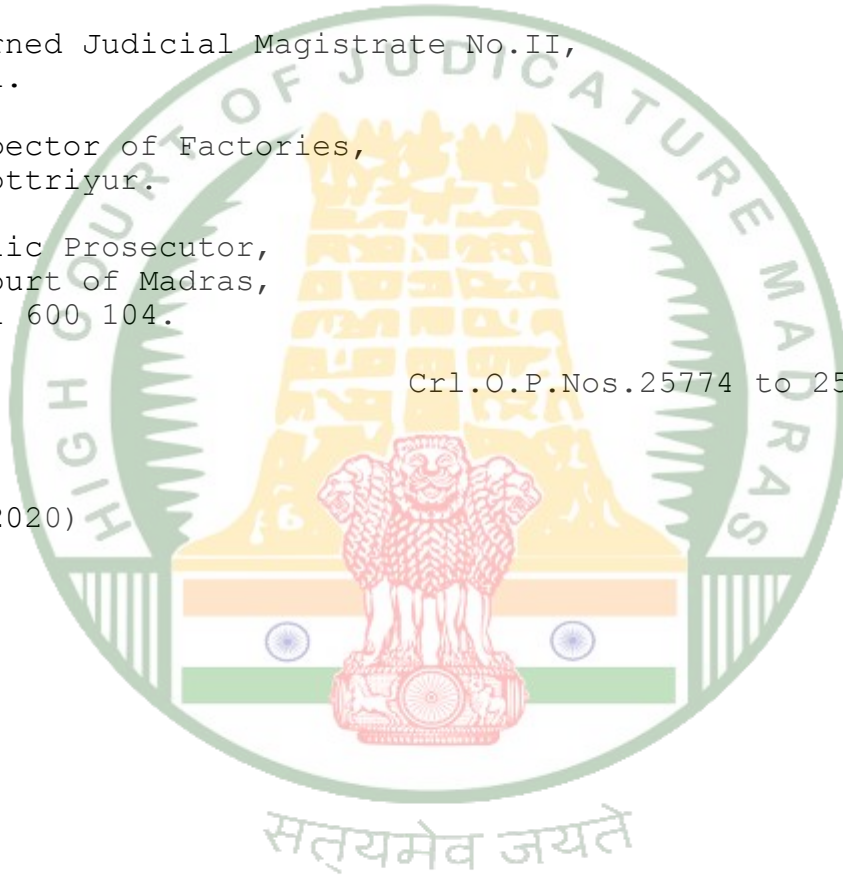
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To

- 1.The learned Judicial Magistrate No.II,
Ponneri.
- 2.The Inspector of Factories,
Thiruvottriyur.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl.O.P.Nos.25774 to 25781 of 2011

JP (CO)
CB(12/03/2020)



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