

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.6020, 6111 to 6117 of 2013

P.R.Sriram

..Petitioner in all Crl.OPs.

Vs.

The Govt. of Tamilnadu,
Rep. by the Inspector
of Factories (Incharge),
Thiruvottriyur.

..Respondent in Crl.O.P.6020 of 2013

Common Prayer : Petition filed under Section 482 of Cr.P.C., seeking to quash the complaint including the order taking cognizance dated 06.09.2011, 06.09.2011, Nil, Nil, 30.09.2011, Nil, 17.05.2011 and 17.05.2011 and all consequential proceedings on the file of the learned Judicial Magistrate-II, Ponneri in STC No.52 of 2012, STC No.55 of 2012, STC No.56 of 2012, STC No.57 of 2012, STC No.53 of 2012, STC No.54 of 2012, STC.No.58 of 2012 and STC No.59 of 2012, respectively.

For Petitioner : Mr.Krishna Srinivasan
in all Cases Senior Advocate
for M/s.S.Ramasubramaniam Associates

For Respondent : Mr.C.Iyyapparaj
in all Cases Additional Public Prosecutor

COMMON ORDER

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.52, 55, 56, 57, 53, 54, 58 and 59 of 2012 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. 52, 55, 56, 57, 53, 54, 58 and 59 of 2012 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

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Ponneri.

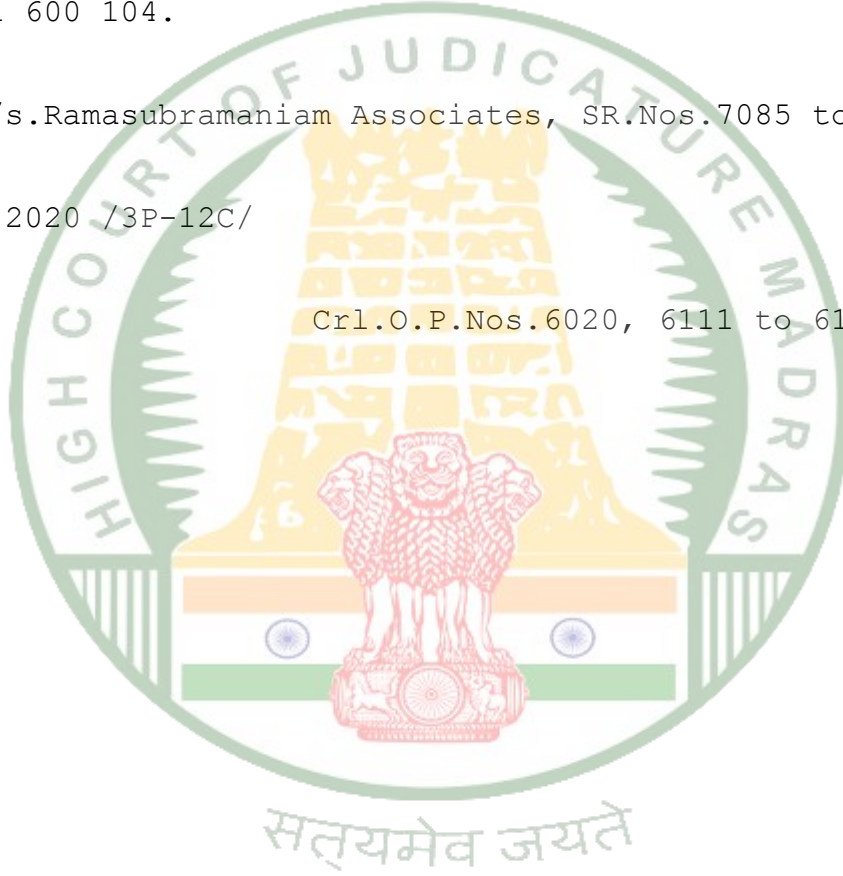
2.The Inspector of Factories,
Thiruvottriyur.

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+8cc to M/s.Ramasubramaniam Associates, SR.Nos.7085 to 7092

AKM/06.03.2020 /3P-12C/

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