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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2021

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.12316 of 2017

&

Crl.M.P.Nos.8041 & 8042 of 2017

M.P.Purushothaman

... Petitioner

Vs

The State rep. by
K.Bhuvaneshwari,
Sub Inspector of Labour,
Circle No.18,
Chennai - 600 015.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.1751 of 2016 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai and quash the same insofar as the petitioner is concerned.

For petitioner : Mr.E.Kannadasan

For Respondent : S.Vinoth Kumar,
Government Advocate [Criminal Side]

O R D E R

This petition has been filed to quash the charge sheet in C.C.No.1751 of 2016 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai against the petitioner for the offence punishable under Section 22 of the Maternity Benefits Act, 1961 and the Tamil Nadu Maternity Benefits Rules, 1967.

2. The only contention of the learned Counsel for the petitioner is that the present petitioner/A3 was not in charge of the company at the relevant point of time and in this regard resolution was also passed by the Board of Directors of the Empee Hotel Ltd. on 27.11.2015. Therefore, the present petitioner cannot be prosecuted.



3. Heard both sides.

4. This Court is of the view that the Resolution passed in the meeting of the Board of Directors on 27.11.2015 itself has to be established before the trial Court and these are all factual aspects. Mainly based on the statement of the learned Counsel for the petitioner, entire proceedings cannot be quashed. At this stage, the learned counsel for the petitioner sought indulgence of the Court, to dispense with the personal appearance of the petitioner. Taking note of the charges against accused that it will attract only fine, this Court is inclined to dispense with the appearance of the petitioner before the trial Court.

5. Accordingly, this Criminal Original Petition is dismissed. The trial Court shall decide the matter expeditiously. In view of the submissions made the learned counsel for the petitioner, the personal appearance of the petitioner is dispensed with except for any dates fixed by the trial Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vrc / kbs

To

1. The XI Metropolitan Magistrate,
Saidapet, Chennai.
2. Do-Through,
The Chief Metropolitan Magistrate,
Chennai.
3. Sub Inspector of Labour,
Circle No.18,
Chennai - 600 015.
4. The Public Prosecutor,
High Court, Madras.

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RLD(CO)
SU(20/12/2021)