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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. Nos.13076 and 13079 of 2017
and CRL.M.P.Nos.8505 & 8506 of 2017 and 8509 & 8510 of 2017

Mr.Ajay Durrani
S/o.Bansi Lal Durrani
Occupier Bayer Material Sciences Pvt Ltd,
Semmankuppam, Cuddalore. ...Petitioner in both O.Ps/Accused

Vs.

State Rep by
Joint Director Industrial Safety
and Health
Inspectorate of Factories (Incharge)
Cuddalore. ...Respondent in both O.Ps/Complainant

COMMON PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to quash the complaint in C.C.Nos.35 and 36 of 2016 on the file of the Chief Judicial Magistrate, Cuddalore.

For Petitioner in both O.Ps: Mr.D.Abdullah

For Respondent in both O.Ps: Mr.S.Vinoth Kumar
Govt.Advocate(crl.side)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the complaints in C.C.Nos.35 and 36 of 2016 on the file of the Chief Judicial Magistrate, Cuddalore.

2. The private complaint has been filed by the respondent/ Factory Inspector (Incharge) for violations found during the inspection. Thereby, the prosecution has been



launched for the offences under Section 92 of the Factories Act, 1948 in C.C.No.35 of 2015 and Section 96(A) of the Factories Act, 1948 in C.C.No.36 of 2015. In such view of the matter, the alleged non compliance complained in C.C.No.36 of 2016 is concerned, the petitioner has not properly given training to the employees who are handling hazardous substances. Similarly, in C.C.No.35 of 2016 is concerned, they have not obtained permission from the Site Appraisal Committee while constructing the building.

3. The learned counsel for the petitioner submitted that all the defects pointed out by the Inspector in C.C.No. 35 of 2016 and C.C.No.36 of 2016 have been complied with and the petitioner also sent a reply notice to the respondent.

4.The learned Government Advocate(Crl.Side) for the respondent submitted that the Department itself has decided to withdraw the complaints and also sent a communication dated 21.12.2016 in this regard.

5. As the department itself has decided to withdraw the complaints, this Court is of the view, that there is no purpose in keeping this petition unnecessarily pending and continuing the prosecution is nothing but abuse of process of law. Accordingly, the proceedings in C.C.Nos.35 and 36 of 2016 on the file of the Chief Judicial Magistrate, Cuddalore as against the petitioner is quashed and as a sequel these Criminal Original Petitions are allowed. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

nr/msv

To

1. The Chief Judicial Magistrate, Cuddalore.
2. The Joint Director Industrial Safety
and Health Inspectorate of Factories (Incharge)
Cuddalore.
- 3.The Public Prosecutor, High Court, Madras.



+1cc to Mr.D.Abdullah, Advocate SR.No.69254

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AK-II (CO)
CB (20/01/2022)