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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Crl.O.P.No.19607 of 2017

and

Crl.M.P.Nos.11826 & 11827 of 2017

Rehan Khan
Former Managing Director,
Abbott India Ltd.
No.147, Greams Road, III Floor,
Chennai - 600 006.

... Petitioner/Accused

Vs.

State of Tamil Nadu
Represented by
Asst. Labour Commissioner
Chennai - 35.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.1940 of 2015 on the file of the II Metropolitan Magistrate, Egmore, and quash the same.

For Petitioner : Mr.M.Vijayan
for M/s.King and Partridge

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

O R D E R

This Criminal Original Petition has been filed to quash the complaint in C.C.No.1940 of 2015 pending on the file of the II Metropolitan Magistrate, Egmore, filed for violating certain procedures in maintaining Form-10 under the Minimum Wages Act, 1948.

2.The complaint has been filed before the learned Magistrate on 25.05.2015. The learned counsel appearing for the petitioner submitted that the complaint is expressly barred by limitation, since, as per Section 22B of the Minimum Wages Act, unless, the complaint is made within six months from the date of commission of alleged offence, the Court cannot take cognizance of the



complaint.

3. Heard the learned counsel on either side and perused the materials available on record.

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4. The complaint has been filed under Section 22A of the Minimum Wages Act, which states that, contravening to the provisions of the Act would attract a fine which may extend to Rs.500/-.

5. Section 22B of the Act reads as follows:

"22B: Cognizance of offences. (1) No Court shall take cognizance of a complaint against any person for an offence-

(a) under clause (a) of section 22 unless an application in respect of the facts constituting such offence has been presented under section 20 and has been granted wholly or in part, and the appropriate Government or an officer authorised by it in this behalf has sanctioned the making of the complaint;

(b) under clause (b) of section 22 or under section 22A except on a complaint made by or with the sanction of, an Inspector.

(2) No Court shall take cognizance of an offence-

(a) under clause (a) or clause (b) of section 22, unless complaint thereof is made within one month of the grant of sanction under this section;3

(b) under section 22A, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed."

6. On a careful perusal of the above provisions, it is clear that, if sanction is obtained, the complaint has to be filed within one month from the date of sanction or the complaint has to be filed within six months from the date on which the offence is alleged to have been committed. The very complaint itself indicates that, inspection was conducted on 29.10.2014. The alleged violation was also deducted on that day. Therefore, the complaint ought to have been filed within six months from the date of alleged occurrence, whereas, the complaint was presented before the Court only on 25.05.2015, i.e., beyond the period of six months and there is no indication as to whether they



obtained consent to show that the complaint is within time.

7. In such view of the matter, when the Statute itself bars the Court from taking cognizance after a period of six months from the date of alleged occurrence, such complaint is not maintainable and the same is liable to be quashed.

8. Therefore, this Criminal Original Petition is allowed and the proceedings in C.C.No.1940 of 2015 is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

psa/mkn

To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. -Do thro The Judicial Magistrate,
Egmore Chennai.
3. The Assistant Labour Commissioner,
Chennai - 35.
4. The Public Prosecutor,
High Court, Madras.

+2cc to M/s.King and Partridge, Advocate, S.R.No.60521

CrI.O.P.No.19607 of 2017

BS (CO)
CT 08/12/2021