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CRL.O.P.No.21966 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.No.21966 of 2019

and

Crl.MP.No.11386 of 2019

1.A.Suman

2.A.Devasundram

.. Petitioners / Accused 1 and 2

Versus

1.The State rep by

The Inspector of Police,
E-8, Kelambakkam Police Station
Kancheepuram District.
Crime No.345/2019

... 1st Respondent / complainant

2.Sri Kalaivani

... 2nd Respondent /*Defacto*
complainant.

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.345/2019 on the 1st respondent and quash the same.

For Petitioner	:	Mr.V.J.Arulraj
For Respondent-1	:	Mr.A.Gopinath
		Government Advocate
For Respondent-2	:	M/s.Manojsreevarshan



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ORDER

This Criminal original petition has been filed to quash the FIR in Crime No.345 of 2019 on the file of the first respondent police.

2. The petitioners are arrayed as A1 and A2 in Cr.No.345 of 2019 for the offences under Sections 294(b) & 506(i) IPC.

3. The case of the prosecution is that on 29.06.2019, the accused 1 and 2 along with other workers were standing at the office gate of the defacto complainant's company by name 'Herb Neutra Lab Pvt.Ltd'. The defacto complainant is the Admin Manager in the said company. Since the accused and other workers did not come for duty, she marked absent for them in the attendance register; at 3 pm the accused 1 and 3 came and quarrelled with the defacto complainant by abusing her in filthy language and threatening her with dire consequences; in view of the above stated reasons, a complaint has been given by the second respondent, on the complaint given by the second respondent, a case has been registered in Crime No.345 of 2019 for the offences under Sections 294(b) & 506(i) IPC.

4. The learned counsel for the petitioners submitted that the petitioners have been given with a termination notice on 10.06.2019 and it is a one month notice; in view of the same, they were attending the company regularly



and on 29.06.2019 also, the petitioners and five others were present; despite they were present, the defacto complainant marked absent and hence, the petitioners went and asked her why she did that; that has been exaggerated and taken the form of a criminal complaint; for the occurrence that is said to have been occurred on 28.06.2019, case has been registered on 26.07.2019 after a long delay; since the complaint does not make out prima facie case against the petitioners, it should be quashed.

5. The learned Government Advocate for the first respondent police submitted that there are enough ingredients in the first information report itself to make out a case against the accused and only if the investigation is allowed to go the real motive of the occurrence will come to light.

6. The learned counsel for the second respondent / defacto complainant submitted that the administrative manager being a lady, the petitioners took advantage and quarrelled with her by using words degrading her status as the superior and her modesty as a woman; if this kind of attitudes are not kept on check that would send a bad signal to the other employees.

7. Heard the submissions made by the learned counsel on either side and perused the materials available on record.



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8. The Court can visualize the situation in which, the complaint has been given. The accused 1 and 2 are two among seven workers who were said to be standing outside the company gate. Only if the workers come inside the premises and resume work, the administrative manager can be expected to mark their presence. If they do not come to the office at the right time, nothing will prevent the administrative manager to mark 'absent' for them.

9. It is reliably learnt that the petitioners have already been terminated on some other charges and they have challenged the termination before the labour office. The alleged harsh behaviour of the petitioners on that day of occurrence could have been a frustrated outburst and for which, no criminal intention can be attributed. The learned counsel for the petitioners submitted that despite the petitioner they had been to duty in time, the administrative manager has marked them absence. The quarrel seems to be have between the workers and the administrative staff of the company.

10. On technical grounds, the first information report does not disclose where exactly the said occurrence that had happened to take place in order to attract the offence under Section 294(b) IPC. It is not known whether the



incident had occurred before the public view or in any room of the company.

Further the words used by the petitioners are degrading and rude but not obscene. Since the dispute is between the labour and the management staff, I feel it is not necessary to subject the petitioners under trial and criminalise their conduct. Even if the petitioners reinstated into service they should learn how to behave themselves with other colleagues and superiors, especially when there are woman.

11.Considering the above facts and circumstances of this case and the absence of criminal intention on the part of the petitioners, I feel the matter can be allowed to be settled. In such circumstances, no useful purpose will be served in keeping the First Information Report pending. Even though, the offences involved are not compoundable in nature, in the light of the guidelines given by the Hon'ble Supreme Court reported in **2017 9 SCC 641- (Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath)**, this Court in exercise of its jurisdiction under Section 482 Cr.P.C. is inclined to quash the First Information Report in Crime No.345 of 2019.

R.N.MANJULA, J.,



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jrs

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This Criminal Original Petition stands **allowed** and as a sequel, the proceedings in Crime No.345 of 2019, on the file of the Inspector of Police, E-8, Kelambakkam Police Station, Kancheepuram District, is quashed. Consequently, connected miscellaneous petition is closed.

15.12.2022

Index: Yes/No

jrs

To:

- 1.The Inspector of Police,
E-8, Kelambakkam Police Station
Kancheepuram District.
- 2.The Public Prosecutor,
High Court, Madras.

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