



WEB COPY



Crl.O.P.Nos.18344 of 2023 etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.18344, 18341, 20861, 20860, 20857, 18348 and 20853 of
2023

in
Crl.M.P.Nos.17359 of 2023 etc batch

B.Karunanithi

... Petitioner

Vs.

Chemplast Sanmar Limited,
Mettur Dam,
Rep.by its Vice President (Personal)
R.Duraisamy

... Respondent

Common Prayer: Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in C.C.No.41 of 2014 on the file of Judicial Magistrate No.II, Mettur and quash the same.

For Petitioner : Mr.B.Kumarasamy in all cases

For Respondent : Mr.N.R.Elango, Senior Counsel
for S.Manuraj in all cases.

COMMON ORDER

The petitioners herein are former employees of the complainant's company by name M/s.Chemplast Sanmar Limited, Mettur Dam, Salem District.



WEB COPY



2. Criminal prosecution been launched against them for occupying the quarters allotted to them while they were in the course of employment in the complainant's company. They were dismissed from service on 27.09.2007 for the act of misconduct. Subsequent to the dismissal, the petitioners/accused were directed to handover the possession of the quarters allotted to them after the termination of license on 13.10.2007. Despite notice, they are continuously in possession and enjoyment of the quarters allotted to them wrongfully. Hence they are liable to be punished under Section 630 of the Companies Act and the company is entitled to get back the possession of the quarters. It is also contended in the complaint that the petitioners are not paying the legitimate dues to the complainant towards electricity charge, cable charge etc., which runs to several lakhs. This complaint has been taken on file by the Judicial Magistrate No.II, Mettur in the year 2014 but still not reached the logical conclusion for various reasons.

3. The learned counsel appearing for the petitioners to quash the said complaint contends that the petitioners were permanent employee of the respondent management and they were unceremoniously dismissed from service on 04.12.2007 without following the due process of law and therefore, proceedings are pending questioning the unlawful termination.



Therefore, by suppressing the correct facts, in order to gain advantage over the petitioners, private complaint been lodged.

4. The learned counsel appearing for the petitioners brought to the notice of this Court that the various litigation been pending arising out of the Industrial Dispute and also submitted that the wages for the petitioner has not been properly settled by the complainant company.

5. Be that as it may, dispute between the employer and the employee is arising out of independent cause of action and that cannot be mixed up with the facts of the case which makes out an independent cause of action for a criminal action. Admittedly, the premises in which the petitioners are occupying belongs to the company. After termination of the service, employer and employee relationship got severed as early as in the year 2007. Criminal prosecution was launched in the year 2014 and now we are in the year 2023. Precisely for about 17 years, these petitioners are occupying the properties of the company without any *prima facie* right to occupy, which squarely applies offence under Section 630 of the Companies Act.

6. The learned counsel appearing for the petitioners submits that if



some sufficient time is granted to the petitioners, they will vacate the premises and work out their remedy regarding wages and other aspects before the Courts where the issue is pending. Though the said request emanating after 17 years, may not appear equitable, however, if the petitioners want to give quietus to the criminal prosecution launched against them, it is open for them to surrender the premises within a period of 60 days from today. On such surrender, the trial Court shall drop the criminal proceedings against who have surrender the premises and proceed against others who continue in the possession of the property.

7. With this observation, this Criminal Original Petitions to quash are dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed. The trial Court is directed to complete the trial as expeditiously as possible preferably within a period of two months thereafter.

15.11.2023

Neutral Citation : Yes/No
rpl

To

4/6



Crl.O.P.Nos.18344 of 2023 etc ba.cu

The Judicial Magistrate No.II, Mettur.

WEB COPY

Dr.G.JAYACHANDRAN, J.



WEB COPY



Crl.O.P.Nos.18344 of 2023 etc ba.cu

rpl

Crl.O.P.Nos.18344 of 2023 etc

15.11.2023