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CrI.O.P.No.1096 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.1096 of 2024

And

CrI.M.P.No.745 of 2024

Hoorul Firdous

... Petitioner

Vs.

1.The State rep. by its,
Assistant Director (BOCW),
Labour Protection and Health,
Trichy.

2.The Director,
Labour Protection and Health,
Guindy, Chennai – 32.

3.The HPK Star Realtors Pvt. Ltd.,
Rep. by its Director
Mr.Basheer Ahamed.

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records and to quash the first respondent impugned C.C.No.700233 dated 16.10.2023 pending on the file of the Chief Judicial Magistrate, Myladuthurai.

For Petitioner : M/s.C.Kanagaraju

For Respondents : Mr.A.Damodaran for R1 and R2
Additional Public Prosecutor



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ORDER

The criminal original petition has been filed challenging the proceedings in C.C.No.700233/2023 dated 16.10.2023, on the file of Chief Judicial Magistrate, Myladuthurai.

2.The main contention that was raised by the learned counsel for the petitioner is that the petitioner had engaged the contractor to perform the work under the Agreement dated 24.01.2023. Therefore, it was contended that the petitioner will not come within the scope of Section 2 (i) of the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996. It was further contended that only the contractor can be proceeded against in this case.

3.This Court carefully went through the materials. When a show cause notice was given to the petitioner, the petitioner gave a reply. The reply does not state anything about engaging the contractor or providing the particulars of the contractor. The defence materials that have now been placed before this Court cannot be gone into in a quash petition. Therefore it is left open to the parties to raise all the issues



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before the Court below and the same will be considered on its own merits and in accordance with law.

4. There shall be a direction to the learned Chief Judicial Magistrate, Myladuthurai to dispose of C.C.No.700233/2023 within a period of three months from the date of receipt of a copy of this order. The petitioner shall be represented through a counsel and she shall appear before the learned Chief Judicial Magistrate, Myladuthurai as and when required.

5. This criminal original petition is disposed of in the above terms. Consequently, the connected miscellaneous petition is closed.

05.02.2024

pri

Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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Crl.O.P.No.1096 of 2024

N.ANAND VENKATESH,J.
pri

To

- 1.The Chief Judicial Magistrate,
Myladuthurai.
- 2.The Assistant Director (BOCW),
Labour Protection and Health,
Trichy.
- 3.The Director,
Labour Protection and Health,
Guindy, Chennai – 32.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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