



Crl.O.P(MD).No.12232 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM :

THE HON'BLE MR JUSTICE A.A.NAKKIRAN

Crl.O.P(MD)No.12232 of 2021

and

Crl.MP(MD)Nos.6283 & 6284 of 2021

M.V.Ramanamurthy,
S/o.P.Simmanna,
Manager,
NLC India Solar Power Plant,
Paralachi, Arupukottai Taluk,
Virudhunagar District.

... Petitioner / Accused

Vs.

The Deputy Director,
Industrial Safety and Health-1,
Door No.6/461 Post Office Colony,
Madurai Road, Virudhunagar,
Virudhunagar District.

... Respondent / Complainant

PRAYER:- Petition filed under Section 482 Cr.P.C., to call for the records in connection with the impugned Charge Sheet in C.C.No.306 of 2021 on the file of the Chief Judicial Magistrate Court, Srivilliputhur and quash the same against the petitioner as illegal.

For Petitioner : Mr.V.Gobikrishnan

For Respondent : Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side)



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ORDER

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This criminal original petition has been filed to quash the impugned Charge Sheet in C.C.No.306 of 2021 on the file of the Chief Judicial Magistrate Court, Srivilliputhur.

2.The case of the prosecution is that the petitioner is the Manager of NLC India Solar Power Plant at Paralachi, Arupukottai Taluk, Virudhunagar District. On 09.10.2020, at about 01.45 p.m, the respondent conducted inspection in the above said plant and found that the said NLC India Solar Power Plant has violated and breached the Acts and Rules for not maintaining the Labour Attendance Register properly along with Form III under Section 4(1)(b)(i) Factories Act, 1988 and Amendment Rules, 2014, which is liable to be punished under Section 6(a) of the Factories Act, 1988 with fine of Rs.5,000/- for the first time. Hence, the respondent filed a private complaint before the Chief Judicial Magistrate Court, Srivilliputhur and the same was taken on file in C.C.No.306 of 2021 for the offence under Section 6(a) of the Factories Act, 1948 and under Rule 4(1)(b)(i) of the Tamil Nadu Factories Rules, 1950. Challenging the same, the present petition has been filed.



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3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. He further submitted that the petitioner is a Grade-A Officer, working in 'Navratna' Government of India Enterprise under the Ministry of coal. Since the petitioner being public servant, the respondent ought to have obtained prior sanction under Section 197 of Cr.P.C., before instituting the complaint under Section 105 of Factories Act. Hence, the proceedings initiated against the petitioner Hence, the proceedings initiated against the petitioner is clear abuse of process of law. Accordingly, he prayed to quash the impugned charge sheet.

4.The learned Government Advocate (Crl.Side) appearing for the respondent fairly conceded that prior sanction has to be obtained by the respondent.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

6. From the perusal of records, it is seen that the prior sanction has not been obtained by the respondent before instituting the complaint



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against the petitioner under Section 105 of Factories Act. On that sole ground, this Court is inclined to allow this petition.

7. Accordingly, the impugned Charge Sheet in C.C.No.306 of 2021 on the file of the Chief Judicial Magistrate Court, Srivilliputhur, is hereby quashed and the Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

20.06.2024

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NCC : Yes / No
Internet : Yes / No
Index : Yes / No
dss

To

1. The Chief Judicial Magistrate Court,
Srivilliputhur
2. The Deputy Director,
Industrial Safety and Health-1,
Door No.6/461 Post Office Colony,
Madurai Road, Virudhunagar,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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A.A.NAKKIRAN, J.

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