



Crl.O.P(MD).No.12236 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.12236 of 2021

and

Crl.MP(MD)Nos.6287 & 6288 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.307 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)



Crl.O.P(MD).No.12236 of 2021

ORDER

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This criminal original petition has been filed to quash the impugned Charge Sheet in C.C.No.307 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 fixing the factory name board and working time board both in Tamil and English in front of the Factory, which is liable to be punished under Section 92 of the Factories Act, 1948 with amendment Act of 1987 with maximum fine of Rs.1,00,000/- or imprisoned for 2 years or both. 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.307 of 2021 for the offence under Section 61(1)(9) of the Factories Act, 1948 and under Rule 79 of the Tamil Nadu Factories Rules, 1950 and Sections 112 and Rule 113 of Factories Act, 1948 with amendment Act, 1987. Challenging the same, the present petition has been filed.



Crl.O.P(MD).No.12236 of 2021

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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.



Crl.O.P(MD).No.12236 of 2021

6. From the perusal of records, it is seen that the prior sanction has not been obtained by the respondent before instituting the complaint 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.307 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
3/3

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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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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Crl.O.P(MD).No.12236 of 2021



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Crl.O.P(MD).No.12236 of 2021

A.A.NAKKIRAN, J.

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Crl.O.P(MD)No.12236 of 2021
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