

Crl. O.P. No. 14893 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 14893 of 2024

and

Crl. M.P. Nos. 9123 & 9126 of 2024

S. Suresh

... Petitioner

-Vs-

The Deputy Director
Industrial Safety And Health,
Cuddalore.

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records pertaining to the impugned complaint in C.C. No. 220/2024 now pending trial on the file of the Learned Chief Judicial Magistrate, Cuddalore and to quash the same.

For Petitioner : Mr. V. Karthick, Senior Counsel
for Mr.Adithya Varadarajan

For Respondent : Mr. R. Vinoth Raja,
Government Advocate(Crl. Side)



Crl. O.P. No. 14893 of 2024

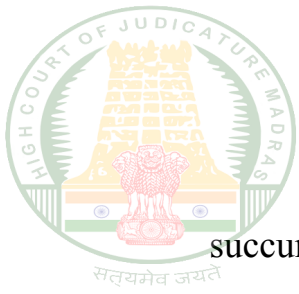
ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C. No. 220 of 2024 on the file of the Chief Judicial Magistrate, Cuddalore.

2. The respondent filed a complaint for the offences punishable under Section 7(A)(1)(2) r/w Section 41 Rule 61 E & F and Rule 61 R(2) (j), Section 41 Rule 61 R(2)(a)(d)(f)(vi) and Section 41 Rule 61A, punishable under Section 92 of the Factories Act, 1948 (Amendment Act 1987) and the Tamil Nadu Factory Rules, 1950.

3. The case of the respondent is that, the petitioner is the Managing Director of E.I.D. Parry (India) Limited, hereinafter referred to as “Company”. The Company is engaged in manufacture of sugar. While being so, on 31.12.2023 at about 8.45 am, a lorry bearing registration No. TN 29 BA 3227 was parked at the cane yard premises, which is located outside the factory of the company for the purpose of unloading cane. While the driver was reversing the lorry, a housekeeping employee got struck in the vehicle and sustained grievous injuries. Thereafter, she



CrI. O.P. No. 14893 of 2024

succumbed to the injuries.

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4. On the complaint, the FIR has been registered in Crime No. 635 of 2023 on the file of the Nellikuppam Police Station, Cuddalore District for the offences punishable under Sections 279 and 304A of IPC. The said accident was informed to the Inspector of Factories under Form No.18 on 02.01.2024. On receipt of the said information, the Inspector of Factories conducted inspection on 04.01.2024 and submitted inspection report. As per the inspection report, the company violated the provisions under the Factories Act and on the said violation, the company was issued show cause notice. On receipt of the reply from the company and without satisfying the reply, the respondent filed complaint for the contravention of Section 7(A)(1)(2) r/w Section 41 Rule 61 E & F and Rule 61 R(2) (j), Section 41 Rule 61 R(2)(a)(d)(f)(vi) and Section 41 Rule 61A, punishable under Section 92 of the Factories Act

5. Learned Senior Counsel appearing for the petitioner would submit that the complaint itself is barred by limitation, since the respondent ought to have filed a complaint within a period of three months from the date of knowledge of the contravention. Further, the



Crl. O.P. No. 14893 of 2024

respondent without even considering the detailed explanation submitted by the company, lodged the complaint. Even according to the respondent, the driver of the lorry caused accident and the said lorry was engaged by the contractor. That apart, the said occurrence took place outside the company premises and no contravention is applicable to the company. Infact, the driver of the lorry is now facing charges for the offences under Sections 279 and 304A of IPC.

6. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the complaint has to be filed within a period of three months from the date of knowledge. The Inspector of Factories conducted inspection on 04.01.2024. After receipt of the reply from the company, the respondent was accorded sanction to prosecute the petitioner. Accordingly, the respondent filed a complaint on 03.04.2024 and the same has been taken cognizance on 04.04.2024 and it is well within the time.



Crl. O.P. No. 14893 of 2024

WEB COPY

7. On perusal of record, it is revealed that the occurrence had occurred outside the company's premises. For the said occurrence, the FIR has been registered in Crime No.635 of 2023 and the driver of the lorry is facing the charges for the offences punishable under Sections 279 and 304A of IPC. It was informed under Form 18 to the Inspector of Factories. On the said information, the Inspector of Factories conducted inspection on 04.01.2024 and submitted his inspection report. On receipt of the same, the company was issued with show cause notice.

8. On perusal of the provisions, the company premises or its machineries were kept against the rules. The cane yard was not maintained properly. On perusal of the reply submitted by the Company, the contraventions are clearly explained by the company.

9. However, on perusal of the complaint, the respondent did not even whisper anything about the explanation submitted by the petitioner to the contraventions. It shows that the respondent without application of mind, mechanically filed a complaint, based on the contraventions mentioned in the show cause notice. Infact, the authority sanctioned without considering the explanation submitted by the petitioner to



Crl. O.P. No. 14893 of 2024

prosecute the company for the contraventions as alleged in the show cause notice. Insofar as the limitation is concerned, the accident was duly informed to the respondent under Form-18 on 02.01.2024. Thereafter, the Inspector of Factories conducted inspection only on 04.01.2024, whereas the complaint has been filed only on 03.04.2024, it is beyond the period of three months as contemplated under Section 106 of Factories Act.

10. Further, on perusal of the complaint, the driver of the lorry while he was reversing the lorry without noticing the deceased who was standing behind the lorry, dashed against her. Therefore, it was an accident. Hence, the lorry of the driver is also facing charges under Section 279 and 304A of IPC. It is nothing to do with the company. Further, the contraventions are no way connected with the accident.

11. In view of the above, the proceedings in C.C. No. 220 of 2024 on the file of the Chief Judicial Magistrate, Cuddalore cannot be sustained and is liable to be quashed. Accordingly, quashed.

12. In the result, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.



CrI. O.P. No. 14893 of 2024

WEB COPY

01.04.2025

Index : Yes/No
Speaking/Non Speaking order
AT

- To
- 1.The Chief Judicial Magistrate, Cuddalore.
 - 2.The Deputy Director
Industrial Safety And Health, Cuddalore.
 - 3.The Public Prosecutor,
High Court of Madras.



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Crl. O.P. No. 14893 of 2024

G.K.ILANTHIRAIYAN. J,

AT

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