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CrI.O.P.No17466 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.06.2025

Coram:

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

CrI.O.P.No.17466 of 2025 &
CrI.M.P.Nos.11086 & 11087 of 2025

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Baskaran

.. Petitioner

Vs.

State Rep. by Deputy Director,
Department of Industrial Safety and Health,
Villupuram.

.. Respondent

Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.193 of 2025 pending on the file of the learned Chief Judicial Magistrate, Chengalpattu and quash the same.

For petitioner : Mr.P.V.Balasubramanian
Senior Advocate
For Mr.G.Abraham Prabhu

For respondent : Dr.C.E.Pratap
Government Advocate (Criminal Side) for R1



CrI.O.P.No17466 of 2025

WEB COPY

ORDER

This petition is filed under Section 528 of BNSS seeking to quash the complaint in C.C.No.193 of 2025 pending on the file of the Learned Chief Judicial Magistrate, Chengalpattu.

2. The learned counsel for the petitioner would submit that the petitioner, who is the Plant Manager of M/s.Tirumala Milk Products Private Limited, received a show cause notice dated 27.03.2025 from the respondent alleging certain lapses under the Factories Act, 1948, Tamil Nadu Factories Rules, 1950, and other allied labour legislations. In response, the petitioner submitted a comprehensive reply dated 21.04.2025, enclosing supporting documents evidencing compliance. Subsequently, a second show cause notice dated 24.04.2025 was issued by the respondent wherein partial compliance was acknowledged. In response thereto, the petitioner again submitted a detailed reply dated 05.05.2025, along with documentary proof of having addressed all the deficiencies, including uploading the requisite documents on the DISH Portal and rectifying all alleged shortcomings.

3. It is the grievance of the petitioner that despite such compliance and submission of proof thereof, the respondent failed to either consider the reply in its proper perspective or conduct any verification or inspection to assess the



Crl.O.P.No17466 of 2025

rectification undertaken by the petitioner. Instead, the respondent mechanically proceeded to lodge a criminal complaint in C.C.No.193 of 2025 against the petitioner, without passing any reasoned order on the show cause proceedings or affording the petitioner an opportunity to present the factual and documentary evidence.

4. The learned Government Advocate (Criminal Side), who takes notice for the respondent, is unable to satisfy this Court as to whether any final order was passed by the respondent on the basis of the replies submitted by the petitioner, or whether any effort was made to verify compliance prior to initiating the complaint. No material has been produced to show that due application of mind was exercised by the respondent before initiating criminal prosecution.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In the present case, despite the petitioner having submitted detailed replies and material evidence showing rectification, the respondent proceeded mechanically without due consideration, thereby vitiating the complaint process. Hence, this Court is of the considered view that the act of lodging a complaint without considering the replies and supporting documents submitted by the petitioner, and



Cr.O.P.No17466 of 2025

without affording an opportunity to rectify or explain the alleged deficiencies, amounts to non-application of mind and is in clear violation of the principles of natural justice. Accordingly, this Court finds that continuation of the proceedings in C.C.No.193 of 2025 would amount to abuse of process of law and cause undue hardship to the petitioner.

7. In view of the above, the complaint in C.C.No.193 of 2025 pending on the file of the Learned Chief Judicial Magistrate, Chengalpattu is hereby quashed. However, it is open to the respondent to conduct a fresh inquiry, if necessary, and proceed further strictly in accordance with law after following due process, including verification of compliance and providing the petitioner an opportunity of being heard.

8. Accordingly, this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

17.06.2025

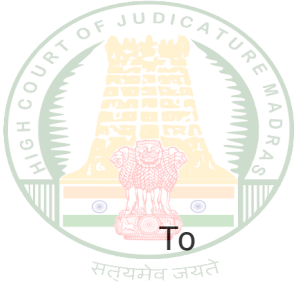
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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

Page No.4/6



CrI.O.P.No17466 of 2025

To

1. The Deputy Director, Department of Industrial Safety and Health,
Villupuram.
2. The Chief Judicial Magistrate, Chengalpattu
3. The Public Prosecutor, Madras High Court, Chennai.



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Crl.O.P.No17466 of 2025

P.VELMURUGAN, J

r n s

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