



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-12-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 20996 of 2024

Kasai India (Chennai) Pvt. Ltd.
Represented by its Managing Director,
Mr.Hisazumi Kondo

Petitioner(s)

Vs

Srividhaya

Respondent(s)

PRAYER

Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita to call for the records pertaining to complaint in CrI.M.P.No.292 of 2024 on the file of the learned Judicial Magistrate, Sriperumbudur,

For Petitioner : Mr.C.Emalias

For Respondent : Mr.R.Swarnavel

ORDER

This petition has been filed to call for the records pertaining to the complaint in CrI.M.P.No.292 of 2024 on the file of the learned Judicial Magistrate, Sriperumbudur and quash the same.



2. The case of respondent/complainant is that the petitioner/first accused is a 100% Japanese owned Company having office at Survey No.463/2A to 2E, Ezhichoor Village & Post Kancheepuram District-603 204. The petitioner employed more than 120 employees at the relevant point of time. The respondent joined as Assistant Manager-HR on 25.04.2012 in M/s.Grupo Antolin Pune Pvt.Ltd. The respondent rendered her service in that company till 31.03.2013 and thereafter, she was transferred to the petitioner's Green Project viz., M/s.Antolin Kasai Tel (Chennai) Pvt, Ltd., (a joint venture company of Grupo Antolin Irausa Spain and Kasai Kogyo Ltd., Japan). While so, the respondent filed a complaint in Crl.M.P.No.292 of 2024 under Section 27 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 on the file of learned Judicial Magistrate, Sriperumbudur to take cognizance of the complaint for the offences committed by the petitioner and award compensation to the respondent. The complaint filed by the respondent was taken on file in Crl.M.P.No.292 of 2024 on the file of learned Judicial Magistrate, Sriperumbudur. Challenging the same, the petitioner/first accused has approached this Court.

3. The learned counsel for the petitioner would submit that the petitioner is a company. The allegation as against the petitioner is that the petitioner has not constituted an Internal Complaints Committee to alleviate the grievances of



the woman employees working in the petitioner company. He would submit that even considering the entire averments to be true, the allegation as against the petitioner can only make out an offence under Section 26, *ibid.*, for which the petitioner shall be punished with a fine, which may extend to Rs.50,000/-. The alleged occurrence is said to have taken place in the premises of the petitioner's company prior to 12.03.2018 and in such circumstances, the complaint against the petitioner ought to have been filed, within a period of 6 months, whereas in this case, the complaint has been filed only on 09.06.2021, beyond the period of three years. Therefore, the learned Magistrate cannot take cognizance of the offence as against the petitioner and in such circumstances, the further proceedings as against the petitioner is an abuse of process of law. Hence, the learned counsel sought quashment of the proceedings.

4. Per contra, the learned counsel for the respondent/complainant would submit that the respondent/complainant was working as a Manager (Human Resources). She was subjected to sexual harassment by the second and the third accused, who were employed under the petitioner/first accused. He would further submit that the petitioner is an organisation having more than 100 employees and as per Section 26, *ibid.*, the petitioner is bound to constitute an Internal Complaints Committee. However, in this case, the petitioner has not constituted an Internal Complaints Committee and the respondent/complainant



being a lady had to run between pillar and post and therefore, she made a complaint before the Local Complaint Committee and the Social Welfare Officer. Since no proper action was taken, she filed the complaint before the learned Judicial Magistrate, Sriperumbudur.

5. Learned counsel for the petitioner would submit that the respondent/complainant has earlier given a complaint to the Social Welfare Officer and the Social Welfare Officer has closed the complaint to approach the Labour Court. However, in any view of the matter, for the offence under Section 26, *ibid.*, the complaint has to be filed within a period of 6 months.

6. Heard the parties and perused the materials available on record.

7. This Court has gone through the complaint. The allegation as against the petitioner is for not constituting Internal Complaints Committee under Section 4(1), *ibid.* As per Section 26 of the said Act, the maximum punishment for the first offence shall be a fine, which may extend to Rs.50,000/-. In such circumstances, the complaint ought to have been filed within a period of 6 months as against the petitioner. However, the complaint has been filed beyond the period of 3 years and it is barred by limitation for which learned Magistrate may not be able to take cognizance.



8. In such view of the matter, the proceedings as against the petitioner is an abuse of process of law and the proceedings against the petitioner in Crl.M.P.No.292 of 2024 alone stands quashed.

9. In the result, this criminal original petition stands allowed.

12-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
mrn



To
The Judicial Magistrate,
Sriperumbudur.

2. The Public Prosecutor,
Madras High Court, Chennai



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A.D.JAGADISH CHANDIRA J.
mrn

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