Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 31415 of 2026

CNR: {HCMA012426892026}

and Crl.M.P.Nos.20845 & 20846 of 2026

Devi Thumati Krishnaraj
D/o T.K.Krishnaraj,
Occupier,
Anjan drug Private Limited (TVR9340)
No.85, 86, 87, 88 and 105 and 106, 115 and 106,
SIPCOT, EPIP Park,
Pappankuppam Village,
Gummidipoondi,
Chennai.

..Petitioner(s)

Vs

The Tamil Nadu State Represented by
The Deputy Director-II (In Charge)
Industrial Safety and Helath,
No.47/1, Thiry Vi Ka Industrial Estate,
(Near Guindy Metro Water Roundtana)
Guindy, Chennai

..Respondent(s)

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, praying to call for the records and quash the proceedings in C.C.No.449 of 2026 on the file of Chief Judicial Magistrate, Tiruvallur and pass any other order as this Honble Court may deem fit and thus render Justice.

For Petitioner(s): Mr.J.Sivanandaraaj, Senior Counsel for Mr.S.Sakthivel

For Respondent(s): Mr.R.Ganesh Kumar, Additional Public Prosecutor

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ORDER

This Criminal Original Petition has been filed seeking to call for the records and quash the proceedings in C.C. No. 450 of 2026, pending on the file of the learned Chief Judicial Magistrate, Tiruvallur.

2.The respondent filed a complaint through electronic filing under Section 105(1) of the Factories Act, 1948, alleging that the petitioner had contravened Section 7A(1) and (2), read with Section 41 of the Factories Act, 1948, and Rules 61-E and 61-F of the Tamil Nadu Factories Rules, 1950, punishable under Section 92 of the Factories Act, 1948. The trial Court took the complaint on file and took cognizance of the alleged offences on 30.06.2026.

3.The learned Senior Counsel appearing for the petitioner contends that the trial Court took cognizance of the complaint without affording an opportunity of hearing to the accused, as contemplated under the first proviso to Section 223(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The said provision mandates that the Magistrate shall not take cognizance of an offence on a complaint without providing the accused an opportunity of being heard, subject to the applicable statutory provisions.

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4.Heard the learned counsel appearing on either side and perused the materials placed on record.

5.In the present case, the petitioner was not afforded an opportunity of hearing before the trial Court took cognizance of the complaint. Therefore, the order taking cognizance is liable to be set aside, and the matter requires reconsideration in accordance with law.

6.Accordingly, this Criminal Original Petition is allowed. The order taking cognizance in C.C.No.450 of 2026 on the file of the Chief Judicial Magistrate, Tiruvallur, is set aside. The trial Court is directed to afford the accused an opportunity of hearing and thereafter proceed in accordance with law. Consequently, the connected miscellaneous petitions are closed.

28-10-2026

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

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To

1.The Chief Judicial Magistrate,
Tiruvallur.

2.The Deputy Director-II, (In-Charge),
Industrial Safety and Health,
No.47/1, Thiry Vi Ka Industrial Estate,
(Near Guindy Metro Water Roundtana),
Guindy, Chennai.

3.The Public Prosecutor,
High Court,
Madras.

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G.K.ILANTHIRAIYAN, J.

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28-10-2026
2/2

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