

GAHC010264362023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet./1242/2023

RAHUL BORAH
MANAGER OF HUNWAL TEA ESTATE,
MCLEOD RUSSEL INDIA LIMITED,
AGED ABOUT 52 YEARS,
S/O LATE HEMANTA NARAYAN BORAH,
R/O HUNWAL TEA ESTATE, MCLEOD RUSSEL INDIA LTD.
P.O. MARIANI
P.S. MARIANI
DIST. JORHAT, ASSAM
PIN-785634

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE PP, ASSAM

2:DHARITRI BASISTHA
S/O MANASH KUMAR SHARMA
ASSISTANT P.F. COMMISSIONER
JORHAT ZONE
JORHAT
P.O. JORHAT
ASSAM
PIN-785001

3:THE OFFICER IN-CHARGE

MARIANI POLICE STATION

DIST. JORHAT
ASSAM
PIN-785634

4:ADITYA KHAIYTAN
MANAGING DIRECTOR
MCLEOD RUSSEL INDIA LIMITED
FOUR MANGOE LANE

KOLKATA
PIN-700001

Advocate for the Petitioner : MR N N UPADHYAYA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 24-01-2024

1. Heard Mr. V. Pandey, learned counsel for the petitioner *Sri Rahul Borah*. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the respondents No. 1 and 3, Mr. A. Kashyap, learned counsel for the respondent No. 2 and Ms. H. Begum, learned counsel for the respondent No. 4.
2. The petitioner, Manager of Hunwal Tea Estate, has filed this application under Section 482 of the Code of Criminal Procedure, 1973 (CrPC for short) seeking quashing of the FIR of Mariani Police Station Case No. 85/2023 under Sections 120(B)/406/409/420/34 of the Indian Penal Code (IPC for short).
3. The FIR unfolds that the employers of Hunwal Tea Estate, under ATEPFO Code -(S-132) willfully did not deposit the Provident Fund Contribution deducted from the wages of the workers of the Tea Estate. The employers being responsible for collection of the Provident Fund from the employees have to remit the same as per law laid down in Assam Tea Plantations Provident Fund Scheme, but the employers failed to deposit the collected Provident Fund

Contribution from the employees although the same had been deducted from their wages.

4. I have considered the submissions at the bar with circumspection.

5. It is submitted by learned counsel for both the sides that the matter has been settled amicably. The Provident Fund amount deducted from the employees have already been deposited. The learned counsel for the respondents has no objection if the FIR is quashed and set aside. As the dispute is amicably settled and as the dispute relates to monetary transaction, this appears to be a fit case to invoke the inherent jurisdiction under Section 482 CrPC.

6. The possibility of conviction appears to be remote and bleak. Further proceeding would indeed be an abuse of the process of the Court.

7. Considering all aspects, and in view of my foregoing discussions and after considering the submissions of the learned counsel for both the sides, the FIR being of Mariani Police Station Case No. 85/2023 under Sections 120(B)/406/409/420/34 of the Indian Penal Code is hereby quashed and set aside.

In the above terms, this criminal petition stands disposed of.

JUDGE

Comparing Assistant