

SMT JUSTICE T.RAJANI

CRIMINAL PETITION No.1202 OF 2013

ORDER:

This petition is filed by the petitioners, who are A1 and A2, seeking to quash the proceedings in STC No.25 of 2012 on the file of the court of Judicial Magistrate of First Class at Kothagudem. The offences alleged are under Section 25-A of the Minimum Wages Act, 1948.

2. Heard the counsel for the petitioners and the Public Prosecutor appearing for the respondents.

3. The counsel for the petitioners seeks to quash the further proceedings only based on one ground i.e., that the Company, under which the school is being run, is not made a party.

4. According to the averments made in the company, the school is being run by Singareni Collieries Company Limited. The complaint figures the Chief IR & Welfare, I/c GM (Education) and the Director (PA &W) of the said Company, as A1 and A2. As per 22(c) of the Minimum Wages Act, both the persons, who are in-charge of the day to day affairs of the Company, shall be deemed to be guilty of the offences committed under the said Act. Hence, without the company being made a party, the petitioners, who are the employees of the Singareni Collieries Company Limited, cannot be prosecuted.

5. In view of the above, this court opines that continuation of further proceedings would be an abuse of process of law.

6. With the above observations, the Criminal Petition is allowed and the proceedings in STC No.25 of 2012 on the file of the court of Judicial Magistrate of First Class at Kothagudem against the petitioners, are hereby quashed.

As a sequel, the miscellaneous applications, if any pending, shall stand closed.

T.RAJANI, J

December 17, 2018
LMV

