

THE HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

Criminal Petition No.10035 of 2018

ORDER :

Impugning the registration of the First Information Report in Cr.No.53 of 2018 dt.03.05.2018 by Pochampalli Police Station, Rachakonda District on the report of the Enforcement Officer, EPFO, Barkatpura, Hyderabad for the offences punishable under Sections 406,409 and 420 IPC, the present quash petition is filed.

Heard the learned counsel for the petitioner and the learned Public prosecutor for the 1st respondent and Sri T.Venkat Reddy, learned Standing Counsel for the 2nd respondent and perused the material on record.

Undisputedly from the very wording of Section 40(a) of the EPF Act, 1952, the vicarious liability of the persons responsible for the administration of the company/ entity is along with that company and not independently, suffice to say from crime is no way sustainable that too for the IPC offences for similar expression in this regard of the Apex Court wayback in Employees of State Insurance Corporation Vs. S.K.Agarwal¹ is very clear particularly from paras-6 to 11 besides the Constitution Bench expression of the Apex Court in Aneeta Hada and Sunil Bharati Mittal.

Having regard to the above, the Criminal Petition is disposed of by quashing the proceedings in Cr.No.53 of 2018 on the file of P.S.Pochampali, Rachakonda against the petitioner and he is acquitted. His bail bonds shall stand closed.

Pending miscellaneous petitions, if any, shall stand closed.

Date:19.12.2018
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Dr. B.SIVA SANKARA RAO J,

¹ AIR 1998 SC 2676