

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2508 of 2010

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Ramchandran Jaiprakash, General Manager, Bata India Limited, Bataganj,
Digha, Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Assistant Labour Commissioner, Patna Division, Patna.
3. Sri Bindeshwari Prasad S/o D. Nawal Lal, Resident of Village-Saguna
Danapur, P.O.-Danapur Cantt, P.S.-Danapur, District-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Senior Advocate Mr. D.N.Tiwari, Advocate Ms. Preety Kunwar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 03-01-2019

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Despite service of notice and learned counsel entering
appearance on behalf of opposite party no. 3, nobody appeared
when the matter was taken up and heard.

3. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“That this application is being filed on
behalf of the petitioner for quashing an order
dated 7.4.2008 passed by the Chief Judicial
Magistrate, Patna in Complaint Case No. 524(C-
2)/2008 (State vrs. Bata India Ltd.), by which he*



has taken cognizance against the petitioner u/s 29 of the Industrial Disputes Act, 1947 and transferred the case to the court of the Judicial Magistrate, 1st Class, Patna for trial and disposal.”

4. The opposite party no. 2 had passed order in favour of opposite party no. 3 in Reference Case No. 3 of 1996 on 30.05.2007, by way of an award which was pronounced on 05.07.2007. In terms thereof, the order of termination of service of opposite party no. 3 by the petitioner was set aside and he was directed to be reinstated with back wages and other consequential benefits. Non compliance of the same resulted in opposite party no. 2 filing Complaint Case No.524(C-2) of 2008 in which cognizance has been taken against the petitioner under Section 29 of the Industrial Disputes Act, 1947 by the then Chief Judicial Magistrate, Patna.

5. Learned counsel for the petitioner submitted that as of today, the matter, for all practical purposes, has become infructuous inasmuch as, the main order upon which complaint was filed against the petitioner by the opposite party no. 2, itself has been interfered by the Court in C.W.J.C. No. 11894 of 2007 by order dated 03.04.2014. Learned counsel referred to Annexure-1 of the supplementary affidavit filed on behalf of the petitioner today, which is copy of the order dated 03.04.2014, which shows that



upon accepting cheque for an amount of Rs. 5,63,243/- by learned counsel for the opposite party no. 3, the Court had recorded the compromise and the award also has been modified to that extent.

6. Learned A.P.P. submitted that in view of the award having been modified and the petitioner having discharged his liability, as per the modified terms, nothing remains in the complaint case which is under challenge in the present application.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the application is allowed. The order dated 07.04.2008 passed in Complaint Case No. 524(C-2) of 2008 taking cognizance under Section 29 of the Industrial Disputes Act, 1947, against the petitioner, stands quashed.

(Ahsanuddin Amanullah, J)

P. Kumar

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