

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.3909 OF 2017

Arthur Patrick Casserly

...Petitioner

vs.

The State of Maharashtra

...Respondent

**CRIMINAL APPLICATION NO.153 OF 2018
IN
CRIMINAL WRIT PETITION NO.3909 OF 2017**

Ms.Kranti Anand for the Petitioner.

Ms.Sapna Krishnappa for the Respondent No.2 in WP No.3909/17.

Mr.K. V. Saste APP for the Respondent-State.

Ms.Ketaki Rege for the Intervenor.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 11/01/2019.**

P.C.:

. During hearing our attention has been invited to consent affidavit given by the original complainant in ABA No.1825/2015. This affidavit appears to have been tendered in April 2016 and thereafter on 10/10/2016 this Court has passed further orders and confirmed the interim ABA.

2. The petitioner before this Court is the officer of employer company who is claimed not to have paid wages.

3. Employees Union Niswarth Kamgar Sanghatana is appearing through their advocate Ms. Ketaki Rege seeking leave to intervene. The

submission is as wages have not been paid, the Union approached the Industrial Court under the MRTU & PULP Act, 1971. The Industrial Court has issued interim orders under section 30(2) of the Act. With this order action under section 48(1) of the said Act has been initiated.

4. It is apparent that in this situation the grievance cannot be looked into as the complainant has pointed out that the FIR was filed due to some misunderstanding and wrong assumption.

5. In view of this development without prejudice to civil rights of respondent No.2-complainant in the matter and with liberty to him to take necessary steps for its redressal, we make rule absolute in terms of prayer clause (a). Criminal Writ Petition No.3909/2017 is accordingly disposed of. Intervention Application No.153/2018 is also disposed of.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)