

THE HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL PETITION NO. 2690 of 2019

ORDER :

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973, is filed by the petitioners/A.1 to A.13 to quash the proceedings in Crime No.53 of 2019 of Adibatla Police Station, Rachakonda Commissionerate, registered for the offences punishable under Section 374 of IPC, Section 79 Juvenile Justice Act, Section 14(1) of Child Labour Act, 1986 and Section 4(2)(b) of Bonded Labour System (Abolition) Rules, 1976.

2. Heard the learned counsel for the petitioners/A.1 to A.13, the learned Additional Public Prosecutor representing respondent No.1-State and perused the record.

3. The brief facts of the case are that the 2nd respondent herein addressed a letter to the Station House Officer, Adibatla Police Station, stating that 86 families of Gariyaband District of Chattisgarh State, numbering 168 members are released from the brick making companies with the help of team sent from Chattisgarh and they were sent back to their respective home districts.

4. In the complaint lodged by R.2, it is stated that on 06.02.2019 at 15:00 hours, she along with the Assistant Labour Officer, Ibrahimpatnam and other officials came from Chattisgarh to enquire about the complaint received from the Collector of Gariyanband District, wherein it was stated that 8 workmen were being held hostage in various brick making companies at Ravirala Village, Ranga Reddy District; that on their enquiry, they found that 8 workmen who hail from Gariyanband District, Chattisgarh State are working there; that the contractor viz., Rahaman

had recruited 8 workmen, who were accompanied with four children from Chattisgarh State by paying an advance of Rs.30,000/- to each worker and promised to provide accommodation but he did not make any such arrangements; that no safety measures were provided to the workers who are enticed for tempting payment offers and were taken to work in 12 brick making companies and that they were held hostage at the said brick making companies and they were forced to work daily. Basing on the same, the police personnel Adibatla Police Station registered a case in Crime No.53 of 2019 on 19.02.2019 for the offences punishable under Sections 374 of IPC and 79 Juvenile Justice Act, Section 14(1) of Child Labour Act, 1986 and Section 4(2)(b) of Bonded Labour System (Abolition) Rules, 1976.

5. Learned counsel for the petitioners would submit that a false case has been foisted against the petitioners and in fact, they have not engaged labourers who fall within the ambit of Bonded Labour Abolition Act. The workers who are engaged by them are not bonded labourers but they are all piecemeal workers and that they were paid on piecemeal basis. The petitioners have also provided accommodation to them and the children of workers were also admitted in the Government schools and they have also been paid charges towards their travelling expenses. As per the contents of the FIR, there are no charges to attract the aforesaid provisions.

6. Learned Additional Public Prosecutor representing respondent No.1-State opposed to quash the said proceedings.

7. I have gone through the allegations contained in the impugned FIR, which *prima facie* discloses commission of cognizable offence. As such, I am not inclined to interfere with the FIR. However, in view of the facts and the allegations made in the FIR, the present petition stands finally

disposed of with a direction that the petitioners shall not be arrested in the aforesaid crime till cogent and credible evidence is collected showing the complicity of the petitioners in the instant case subject to their cooperation in the investigation which will go on and shall be brought to a logical end.

Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

13.06.2019
ssp

JUSTICE G. SRI DEVI

