

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-785-2018 (O&M)
Date of decision : 29.11.2019

Surjeet and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Mr. H.P.S. Ghuman, Advocate for respondent Nos.2 to 5.

Mr. Amit Aggarwal, Advocate for respondent No.6.

ANIL KSHETARPAL, J. (ORAL)

Present petition under Section 482 Cr.P.C. has been filed against the order passed by the learned Court of Sessions dated 14.12.2017 accepting the revision petition filed by the respondent herein against the order of summoning in the criminal complaint.

Respondent Nos.2 to 5 are the employees of Bharat Sanchar Nigam Limited (BSNL).

On account of non-deposit of Employees' State Insurance (ESI) and Employees Provident Fund (EPF) contributions, the complaint was filed before the Magistrate. It is not in dispute that subsequently the contribution has been deposited. In the complaint, officials were impleaded as accused

without impleading the companies.

Learned Court of Sessions has accepted the revision petition against the order of summoning on the ground that neither Bharat Sanchar Nigam Limited nor M/s Keshav Securities Private Limited have been impleaded as accused.

Learned counsel for the petitioner fairly submits that without impleading both the companies, complaint was not maintainable. He drawn attention of the Court to the judgment passed by Hon'ble the Supreme Court in the case of *S.K. Alagh Vs. State of U.P. and others, (2008) 5 SCC 662.*

In view of the aforesaid fact, although it will be debatable as to whether protection under Section 197 Cr.P.C. shall be available to the employees of the company, however, since the complaint itself is not maintainable, therefore, this Court is not inclined to interfere.

Accordingly, the present petition is dismissed.

29.11.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No