

via video conferencing

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 878/2020**

J S DUGGAL & ORS

.....Petitioner

Through: Mr.Bahar U Barqi, Adv.

Versus

FOOD CORPORATION OF INDIA & ORS

.....Respondent

Through: Mr.Manoj, S.C for FCI.
Mr.Anurag Ahluwalia, CGSC with
Mr.Abhigyan Siddhant, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **08.06.2020**

CRL.M.A.7297/2020

Allowed, subject to all just exceptions.

W.P.(CRL) 878/2020&CRL.M.A. 7296/2020

1. The present petition filed under Article 226 of the Constitution of India read with Section 482 CrPC seeks the following reliefs:-

(a) Quash all the proceedings especially communication dated 13.05.2020 issued by respondents no.1 & 2 and the proceedings initiated in follow up criminal proceedings initiated by respondents no.3 to 9 may also be quashed.

(b) Pass an appropriate writ, order or direction directing the respondents not to misuse their authority and comply with all provisions of law as contained in the communication dated 06.04.2020.

2. Learned counsel for the petitioners, while stating that the petitioners nos.1 and 2 are the elected Secretary and Regional President Punjab respectively of the petitioner no.3, which is a registered trade union of respondent no.1/corporation, submits that the respondents under a misconception and misreading of the statements made by the petitioner nos.1 & 2, which were also published in the newspaper Tribune Chandigarh Edition on 08.04.2020, have proceeded to take a biased and vindictive decision on 13.05.2020 at their head office at Delhi to file complaints against the petitioners under Section 51 of the Disaster Management Act, 2005 (hereinafter referred to as the Act). He further submits that neither the communications dated 20.03.2020 & 06.04.2020, nor the news item reported in the Tribune on 08.04.2020 in any manner show any offence committed by any of the petitioners under Section 51 of the Act. He, therefore, prays that the decision of the respondents as contained in the letter dated 13.05.2020, being wholly without any basis, be quashed.

3. On the other hand, Mr.Manoj, learned standing counsel for the respondents/FCI, who appears on advance notice, while contending that the statements made by the petitioners clearly sought to create dis-affection, panic and confusion in the employees of the respondent no.1/corporation throughout the country and clearly amounted to an offence within the ambit of Section 51 of the Act, submits that in any event once the complaints have already been filed before the various Metropolitan Magistrates within the jurisdiction of different High Courts, this Court does not have the territorial jurisdiction to examine

the validity of either the complaints or the letter dated 13.05.2020. He further submits that in case the petitioners seeks quashing of the proceedings initiated before different Metropolitan Magistrate falling under the different High Courts the only remedy available to them is to either approach any of the concerned High Court in accordance with the provisions of Section 186 Cr.P.C. or approach the Hon'ble Supreme Court for which purpose he places reliance on the recent decision dated 19.05.2020 of the Supreme Court in ***Arnab Ranjan Goswami v. Union of India*** [*W.P.(Crl)130/2020*]. He, therefore, prays that the present petition be dismissed.

4. Having considered the submissions of the learned counsel for the parties, I find that as contended by learned counsel for the petitioners the basis for the complaints filed by the Divisional Managers of the respondent No.1 and in various parts of the country before the Metropolitan Magistrates under the jurisdiction of different High Courts, have been filed pursuant to directions issued by the Head Office at Delhi as contained in the letter dated 13.05.2020. The fact, however, remains that various complaints under Section 51 of the Act already stand filed against the petitioners, before different Metropolitan Magistrates falling outside the jurisdiction of this court, and these learned Magistrate are now seized of the said complaints. It is also undisputed that the respective learned Magistrate has fixed the complaints on various dates for recording of pre-summoning evidence and therefore in my considered view even though the learned counsel for the petitioner vehemently contends that he is not praying for quashing of the said complaints and is only seeking quashing of letter

dated 13.05.2020 which was issued from Delhi, I am of the considered view that the effect of the prayers sought of the petitioners is quashing of the complaints with which the learned Magistrate outside the jurisdiction of this Court are seized of and therefore, it would not be appropriate for this Court to examine either the validity of the complaints or the directions issued by respondent no.1 to its respective Divisional Managers to file complaints against the petitioners before the competent courts under the jurisdiction of other High Courts.

5. The writ petition along with pending applications is dismissed along with pending application.

6. It is, however, made clear that this Court has not examined the merits of the petitioners' claim that the communications dated 20.03.2020, 06.04.2020 or the news item as reported in the Tribune on 08.04.2020, do not amount to an offence under Section 51 of the Act. It is also made clear that this Court has not examined the legality of the directions as contained in the letter dated 13.05.2020 and therefore, it will be open for the petitioner to take all permissible pleas as permissible in law before the competent authority.

REKHA PALLI, J

JUNE 08, 2020
SR