

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42074-2019(O&M)

Date of decision : 30.08.2022

RUMMY CHHABRA

... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashwani Talwar, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J. (ORAL)

CRM-30559-2019

The present application has been filed by the applicant-petitioner for placing on record the documents as Annexures P-1 to P-12.

For the reasons mentioned in the application, the same is allowed and the documents as Annexures P-1 to P-12 are taken on record.

CRM-M-42074-2019

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the criminal complaint No.COMA/129/2018 dated 25.10.2018 (Annexure P-1) and summoning order dated 25.10.2018 (Annexure P-2) as well as all subsequent proceedings arising therefrom.

The learned counsel for the petitioner contends that during the pendency of the present petition, the Labour Inspector suffered a

statement to the effect that he wishes to withdraw the impugned complaint No.COMA/129/2018 dated 25.10.2018 (Annexure P-1) with the liberty to file a fresh one after following due process. He has referred to the order dated 29.01.2021. The relevant of the order is reproduced hereinbelow:-

“Today Shri Pardeep Siwach, Labour Inspector appeared before the Court and suffered a statement to the effect that he withdraw the present complaint on the basis of orders of Head Office of Government of Haryana with liberty to file fresh one after following due process. He has also tendered copy of order dated 27.11.2019 passed by Principal Secretary to Government Haryana, Labour Department on case file.

2. However, Shri Sant Lal, Advocate appearing on behalf of Employees Union submitted that he be treated as complainant in this case and this complaint may not be allowed to be withdrawn. Heard. This case has been filed by Labour Inspector against the accused persons. Shri Sant Lal has not been impleaded as complainant in this case. He is representative of Employees Union. Hence, in the considered view of this Court, he has no locus standi in this case and he cannot be impleaded as complainant in this case.

3. Besides this, this case has been filed by Labour Inspector, who on the instructions of his Head Office wish to withdraw the present complaint. Hon’ble High Court in CRM-M-42074-2019 has ordered that no coercive steps be taken against the accused persons in the case. Hence, this Court is of the considered view that there is no embargo to allow the prayer of Shri Pardeep Siwach, Labour Inspector to withdraw this complaint. Hence, present complaint stands dismissed as withdrawn with liberty to file fresh one after

following due process. File be consigned to record room after due compliance.

Announced in Open Court:

Date : 29.01.2021.

sd/-

(Anil Kaushik)

Chief Judicial

Magistrate Gurugram.

UID No. HR0283”

This fact that the complaint has been ordered to be withdrawn has not been disputed by the learned State counsel.

In view of the above, nothing survives in the present petition. Therefore, the same is hereby dismissed as having been rendered infructuous.

(JASJIT SINGH BEDI)
JUDGE

30.08.2022

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No