

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55420 of 2015

Arising Out of PS. Case No.-1172 Year-2015 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Chandra Shekhar Singh, Son of Shri Prem Narayan Singh, Senior Manager HR and Administration,
 2. Amit Srivastava @ Amit Mohan Srivastava, S/o Shri Yogendra Nath Srivastava, Senior Manager Electrical,
 3. Aditya Kumar Singh, S/o - Shri Bibhash Chandra Singh, Production Engineer All Senior Official/ Executives of M/s Ramco Industries Limited, Plot No. 1, BIADA Industrial Area, Bihiya, Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Nandji Gahlaut, Son of Late Mahangu Ram, Resident of Village P.O. P.S. - Bihiya, District - Bhojpur, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha
For the Opposite Party/s	:	Mr. Bibhakar Tiwary, Advocate
For the State	:	Mr. Nagendra Prasad, App

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 26-06-2023 Heard learned counsel for the parties.

This application is filed for quashing the order of cognizance by which court below has taken cognizance against the petitioners in Complaint Case No. 1172C of 2015/Tr. No. 438 of 2015, for the offence registered under Sections 341, 323 and 504 of the Indian Penal Code.

As per prosecution, complainant is employee of Ramco Industries Limited, Bihiya. On the date of incident, after taking lunch he was resting in the night, the accused Aditya



Kumar Singh started clicking his photograph upon which the complainant said that the lunch period was for half an hour and the petitioner no. 3 always clicks photograph and makes complaint to the higher authorities. Upon hearing the petitioner no. 3 started abusing the complainant by calling him as '*Chamar-Dusadh*'. The petitioner no. 3 took out Rs. 1200/- and keys from the pocket of the complainant. The complainant went to in-charge (petitioner no.2) and told about the incident on which petitioner no. 2 became angry addressed him as belonging to lower caste and chided him. The complainant had gone to police but they also refused to lodge FIR and hence he filed a complaint.

It has been submitted that the entire case of opposite party no. 2 is false and has been wrongly instituted against the petitioners who are officials working in the factory of M/s Ramco Industries Limited. It is further submitted that petitioners are officials/executives working in the factory of M/s. Ramco Industries Limited. It is also submitted that petitioners being senior official and executives employed in the factory have to remain present everyday in order to ensure smooth and efficient production. The complainant was engaged as an electrician in the factory, while working in the 'B' shift, the complainant



without taking permission and without informing his superiors was found sleeping on duty and when his immediate senior official i.e. accused no. 3 was taking photograph as proof of the complainant sleeping on duty, the complainant assaulted accused no. 3 with his lunch box and a wooden club. He also abused accused no. 3. As a result complainant was suspended from service on 07.06.2015 by Senior Manager HR & Administration and a show cause notice was issued by the accused no. 1 on behalf of the management. The accused no. 1 instituted Domestic Enquiry to enquire into charges upon the complainant. It is further submitted that complainant had committed a serious misconduct and that he would not be spared by the management of M/s Ramco Industries Limited. This case has also been instituted by the complainant in retaliation to the action of the management's official having already informed the Officer-in-charge, Bihiya police station on 08.06.2015 about the misbehavior of the complainant.

Learned counsel further submitted that this is a malicious prosecution filed by the opposite party no. 2 only to save himself from the disciplinary proceeding initiated by the management. He also submits that the offence are made out from the reading of the entire materials available on the record.



From the reading of the complaint and the materials brought on record it appears that this is a malicious prosecution initiated by a disgruntled workman against the officials of the company when disciplinary proceeding was initiated against him. Just because the case has proceeded this Court will not be stopped from quashing this malicious prosecution in view of the judgment of the Hon'ble Supreme Court in the case of *Anand Kumar Mohatta Vs. NCT (State of Delhi) (2019) 11 SCC 706*. In view of the above, this malicious prosecution cannot continue.

The entire proceeding is of Complaint Case No. 1172C of 2015/Tr. No. 438 of 2015 including the order taking cognizance is hereby quashed with respect to the petitioners.

(Sandeep Kumar, J)

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