

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7561 of 2023

Arising Out of PS. Case No.-35 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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1. Naresh Kumar @ Naresh Kumar Phoolwani Son of Late Heman Das R/o 43A/28, Dabauli Ratanlal Nagar, Khanpur Nagar, Uttar Pradesh At present Director/Occupier M/S RSPL Ltd. Bithauli Bhagawanpur, Vaishali, Bihar
 2. Ishwar Baksh Singh Son of Late Raja Ram Singh R/o Village - Jilgaon, P.O.- Barsohiya, P.S.- Harpalpur, District - Hardoi, Uttar Pradesh at present Factory Manager, M/S RSPL Ltd. Bithauli Bhagawanpur, Vaishali, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Manoj Kumar Chaudhary Factory Inspector, Vaishali Circle, Hazipur, 3rd Floor Vaishali Bhawan, Maharanapratap Colony Station Road, Hajipur Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhyachal Rai, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 11-03-2024 This application has been filed for quashing order dated 05.07.2022 passed in C-2 No. 35/2022 Trial No. 1026 of 2022 passed by the Chief Judicial Magistrate, Hajipur (Vaishali) whereby and where under the court below took cognizance under Section 92 and 96A of the Factories Act, 1948 against the petitioners.

2. As per the prosecution case, petitioners have violated provisions of Sections 6, 7A(2)(b), 41B, 40C, 46, 49 and 62 of the Factories Act, 1948 read with Rules 3 A, 6, 62 IH, 62 JH, 62 BH, 62 NH, 62 OH, 66, 71 and 80 of the Bihar



Factories Rules, 1950, Rules-2 of Bihar Welfare Officers Rules, 1952 and Rule 10 of Control of Industrial Major Accident Hazards (CIMAH) Rules, 1990.

3. Learned counsel for the petitioners submits that pursuant to the order of this Hon'ble Court dated 27.06.2023, whereby petitioners were directed to act as per the directions of the Chief Inspector of Factories, Bihar and get a certificate from Factory Inspector, the petitioners have complied the directions of the Chief Inspector of Factories, Bihar. It is next submitted that authorised signatory of the RSPL Ltd. has submitted compliance of the inspection done by Factory Inspector before the Chief Inspector of Factories, Bihar vide Ref: RSPL/Patna-unit/HR/2023/064 dated 10.11.2023 (Annexure-4 to the supplementary affidavit). The Factory Inspector, Vaishali Circle, Hajipur has accepted the compliance of the inspection and accordingly issued the certificate *vide* Letter No. 167 dated 11.11.2023 (Annexure-5 to the supplementary affidavit). As such, continuance of the instant proceeding would amount to abuse of the process of court.

4. Learned A.P.P. for the State does not dispute the contention made on behalf of the petitioners.

5. In view of the submission made on behalf of the



petitioners that petitioners have already complied with the direction of the court and got the certificate to that effect and as such, continuation of this criminal proceeding would amount to abuse of the process of court.

6. Considering the aforesaid facts and for the end of justice, this quashing application is allowed and order dated 05.07.2022 passed in C-2 No. 35/2022 Trial No. 1026 of 2022 passed by the Chief Judicial Magistrate, Hajipur (Vaishali) is hereby quashed.

7. This application stands allowed.

(Prabhat Kumar Singh, J)

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