IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2658 of 2023

Shyam Sunder Sethi @ Shyam Sundar Sethi, aged about 57 years, S/o Markanda Sethi, residing at STAQ -05, Babuline, HCL/ICC, Moubhandar, Merhiya, P.O. & P.S. –Moubhandar, District –East Singhbhum, PIN -832103 (Jharkhand)

.... Petitioner

Versus

1. The State of Jharkhand
2. Labour Enforcement Officer (Central), Barbil, P.O. & P.S. –Barbil, District –Kendujhar, PIN -758035 (Odisha)

…. Opp. Party

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

…..

For the Petitioner : Mr. Amit Kumar Das, Sr. Advocate
: Ms. Akanksha Sharma, Advocate
For the State : Mr. Manoj Kr. Mishra, Addl. P.P.
For the Union of India : Mr. Prashant Pallav, ASGI
: Ms. Shivani Jaluka, AC to ASGI

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By the Court:-

1. Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the prayer to quash the entire criminal proceedings of Complaint Case No. 344 of 2023 including the order dated 04.08.2023 passed by the learned Additional Chief Judicial Magistrate, at Ghatshila whereby and where under the learned Additional Chief Judicial Magistrate, Ghatshila has found *prima facie* case for the offence punishable under Section 29 of the Industrial

Disputes Act, 1947 and directed for issuance of summons to the petitioner.

3. The brief facts of the case is that the Union of India represented by the Labour Enforcement Officer (Central) Barbil, Odisha has filed the complaint under Section 29 of the Industrial Disputes Act *inter alia* against the petitioner contending therein that the petitioner, who was the General Manager and Unit Head of Hindustan Copper Ltd./ICC has failed to implement the award passed by the CGIT No.1, Dhanbad in Reference No. 13 of 2017 dated 28.09.2022; by which award, all the ex-employees of HCL as the list received by the Ministry of Labour Employment, Government of India (Sujit Kumar Shaw & 413 others), who were separated under VR Scheme due to closure of Mines are entitled for arrears of wages arising out of subsequent pay/wage revision within one month of publication of the award. Basing upon the complaint, the learned Additional Chief Judicial Magistrate, Dhanbad has found *prima facie* case by the impugned order dated 04.08.2023 in Complaint Case No. 344 of 2023.

4. The learned senior counsel for the petitioner files the web copy of the judgment passed by a Co-ordinate Bench of this Court in W.P.(L) No. 406 of 2023 and submits that by the said judgment, the Co-ordinate Bench of this Court has set aside the impugned award dated 28.09.2022 passed by the Central Government Industrial Tribunal No.1, Dhanbad in Reference No. 13 of 2017 and submits that since the very award for non-implementation of which the petitioner is being prosecuted, has been set aside, there is no way the petitioner could implement the same. Hence, it is submitted that continuation of the criminal proceeding will amount to abuse of

process of law. Therefore, it is submitted that the prayer as prayed for in this criminal miscellaneous petition be allowed.

5. The learned Additional Public Prosecutor and the learned counsel for the Union of India fairly submits that the award dated 28.09.2022 passed by the Central Government Industrial Tribunal No.1, Dhanbad in Reference No. 13 of 2017 has been set aside.

6. Having heard the submissions made at the Bar and after going through the materials in the record, this Court is of the considered view that since the award concerned for non-implementation of which the petitioner is being prosecuted in connection with Complaint Case No. 344 of 2023, has already been set aside; so the continuation of this criminal proceeding will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceedings of Complaint Case No. 344 of 2023 including the order dated 04.08.2023 passed by the learned Additional Chief Judicial Magistrate, at Ghatshila be quashed and set aside *qua* the petitioner.

7. Accordingly, the entire criminal proceedings of Complaint Case No. 344 of 2023 including the order dated 04.08.2023 passed by the learned Additional Chief Judicial Magistrate, at Ghatshila is quashed and set aside *qua* the petitioner.

8. In the result, this criminal miscellaneous petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 29th October, 2026
AFR/Sonu/-

Uploaded on 03.11.2026