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

+ **CRL.M.C. 2415/2023**

DINESH KUMAR SINGH

..... Petitioner

Through: Mr. Akash Kumar, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) & ANR. Respondents

Through: Ms. Shubhi Gupta, APP for the State.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **11.04.2023**

CRL.M.C. 2415/2023 & CRL.M.A. 9180/2023 (stay)

1. The petitioner has preferred the present petition with the following prayer:

“The Complaint Application No. ALC/SD/2019/152 registered as Complaint Case No. 17353/2019 under Sections 18, 19(4) read with Rule 26(1), 26(2), 26(5), 21(4), 21(4a), 25(2) punishable under Section 22A of the Minimum Wages Act, 1948 and the proceedings emanating therefrom, pending before the Court of Ld. Metropolitan Magistrate (Evening Court-03), Patiala House Courts, Delhi may kindly be quashed.”

2. It is submitted by the counsel for the petitioner that a complaint was filed in the year 2019, and cognizance was taken on 25.6.2019 and petitioner was summoned. He further submitted that petitioner received the summons only in the month of February 2023. He further submitted that petitioner has challenged the impugned order on three grounds. Firstly, the complaint was



barred by limitation; secondly no role and responsibility have been assigned to the petitioner in the complaint, and thirdly the organization in which the complainant was allegedly employed has not been made a party. In support of his contention, counsel for the petitioner has placed reliance on the following judgments:

- (i) *Aneeta Hada v. Godfather Travels & Tours Pvt. Ltd* (2012) 5 SCC 661;**
- (ii) *Sanjeev Gupta v. State Government of NCT of Delhi* 2008 SCC OnLine Del 1424; and**
- (iii) *Dayle De'souza v. Government of India Through Deputy Chief Labour Commissioner & Anr.* 2011 SEC OnLine SC 1012**

- 3. Issue notice. Learned APP appears on advance notice, and accepts notice.
- 4. Notice be issued to respondent no.2 by all permissible modes, on the petitioner taking the necessary steps, returnable on 9th August, 2023.
- 5. Till then, the proceedings before the trial court shall remain stayed.

RAJNISH BHATNAGAR, J

APRIL 11, 2023/ib