

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 804 of 2023**

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HINDUSTHAN CHEMICALS COMPANY THRO DHARMENDRA BHANU
PRASAD

Versus
STATE OF GUJARAT

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Appearance:

MR KEYUR GANDHI, ADVOCATE WITH MR NISARG DESAI, ADVOCATE
AND MS PRAVALIKA BATTHINI, ADVOCATE FOR GANDHI LAW
ASSOCIATES(12275) for the Applicant(s) No. 1,2

for the Respondent(s) No. 2

MR DHAWAN JAYSWAL, APP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA

Date : 19/01/2023

ORAL ORDER

1. Heard Mr. Keyur Gandhi, learned advocate for Gandhi Law Associates for the applicants.

2. By way of this application filed under Article 226 of the Constitution of India read with Section 482 of Cr.P.C., the applicant is seeking quashment of complaint being Criminal Case No.522 of 2020 filed by Labour Officer, Surat for the alleged violation of Section 18 of Industrial Disputes Act, 1947.

3. Mr. Gandhi, learned advocate for the applicant would submits that, pursuant to the settlement award, the entire amount has been paid to all the employees. He would further submits that, as per the settlement agreement, deduction was being made with agreeable terms of the respective parties. In

such circumstances, he would submit that, there is no any violation of Section 18 of the Act as alleged in the complaint. He drew attention of this Court towards the application of recovery filed by Union to submit that, proceedings of recovery is also pending before the Authority. In such circumstances, he submits that, criminal proceeding is in the form of private complaint against the company which is nothing but misuse of process of law.

4. Considering the issue raised in the present application and factum of settlement, prima-facie, it appears that, pursuant to the settlement arrived at between the parties, the amount was deducted. In such circumstances, this Court is of opinion that the matter deserves consideration.

5. Let **Rule** be issued returnable on **21.06.2023**. Learned APP waives service of rule for the respondent-State. Meanwhile, interim relief in terms of para-9(B) is granted.

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(ILESH J. VORA,J)