

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC.APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO. 11160 of 2026

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M/S ZYDEX INDUSTRIES PVT LTD. & ANR.
Versus
STATE OF GUJARAT & ANR.

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Appearance:
MR DG SHUKLA(1998) for the Applicant(s) No. 1,2
MR HARSHEEL D SHUKLA(6158) for the Applicant(s) No. 1,2
JAY MEHTA APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR.JUSTICE P. M. RAVAL

Date : 10/06/2026

ORAL ORDER

1. Heard learned Advocate Mr. D.G. Shukla for the Applicant.

2. The case, in a nutshell, is that Akhil Gujarat General Majdur Sangh, Trade Union, submitted a complaint dated 24.11.2021 to the Government Labour Officer, Vadodara, the complainant herein, along with a copy of a Gift Coupon, alleging that 14 contract labourers working with the Applicant company are also members of the said Union and that the Applicant is victimising its members by adopting unfair labour practices with a view to weakening the Union. It is further alleged that the Applicant company was distributing Gift Coupons to contract labourers; however, during the year under consideration, those contract labourers who were members of the Union were not given such Gift Coupons, whereas other contract labourers were granted the same. It is also alleged that, by such conduct, the Applicant company has violated the provisions of Section 25T of the

Industrial Disputes Act, 1947 by indulging in unfair labour practices.

3. The case of the Applicant is that the Applicant company submitted its reply dated 28.12.2021 raising various contentions, principally that there exists no master-servant relationship between the members of the so-called trade union and the Applicant company. It was further contended that the provisions of Section 25T of the Industrial Disputes Act apply only in cases involving an employer-employee relationship. The Applicant company specifically denied the existence of any master-servant relationship with the concerned workmen and asserted that, if any such relationship existed, it was with the contractor. Pursuant thereto, the Government Labour Officer and the Conciliation Officer under the Industrial Disputes Act, who is the complainant and Respondent No. 2 herein, issued a show-cause notice dated 20.04.2022. A similar show-cause notice was also issued to the contractor, namely Dharmendrasinh Rathod, contractor-employer of M/s Pratham Packers, in connection with the complaint received from Akhil Gujarat General Mazdoor Sangh alleging the aforesaid acts. In response thereto, the Applicant company replied vide letter dated 10.05.2022, enclosing its earlier reply dated 28.12.2021, and requested the authority to consider the submissions made therein and to drop the proceedings. It is further the case of the Applicant that M/s Pratham Packers, the contractor, also submitted a detailed reply dated 07.06.2022 before the Government Labour Officer and the Conciliation Officer, denying the allegations. However, the complainant, Respondent No. 2 herein, without considering the replies dated 28.12.2021 and 10.05.2022 submitted by the Applicant company,

and without considering the reply dated 07.06.2022 submitted by M/s Pratham Packers, lodged a complaint before the Jurisdictional Magistrate. The said complaint came to be registered as Criminal Case No. 415 of 2023 on 31.08.2023.

4. Learned Advocate for the Applicant draws the attention of this Court to Sections 25T and 25U of the Industrial Disputes Act and contends that even if it is assumed that the applicants have committed an offence relating to unfair labour practices, the maximum punishment prescribed is imprisonment for six months or a fine which may extend to Rs. 1,000/-, or both. He further submits that even if the reply submitted by the applicants to the show-cause notice on 10.05.2022 is taken into consideration, the complaint came to be registered only on 31.08.2023, which is admittedly beyond the period of one year prescribed under Section 514(2)(b). He therefore prays that the complaint be quashed.

5. Learned APP submits that the contentions raised by the learned Advocate for the Applicant are required to be examined during the course of trial and involve disputed questions of fact and evidence. He has, therefore, prayed for rejection of the present application.

6. Having heard the learned advocates for the respective parties. The complaint lodged before the Jurisdictional Magistrate, under Section 25 T of the ID Act, 1947 does not reflect the factum of considering the reply to the show cause notice issued by the complainant, more particularly, when the applicants have placed on record that the reply had been

forwarded to the Government Labour Officer, Shri Jaydeep Gandhi, on 10.05.2022 and was received on the very same date vide Inward No. 5317.

7. In view of the aforesaid circumstances, interim relief in terms of Paragraph 7(B) is granted. Direct Service is permitted.

MMP

(P. M. RAVAL, J)