

(2026) 01 JH CK 1668

In the Jharkhand High Court

Case No : Criminal Miscellaneous Petition No. 2713 Of 2023

Arun Kumar Shukla

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 22-01-2026

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Industrial Disputes Act, 1947 — Section 29

Citation : (2026) 01 JH CK 1668

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Amit Kumar Das, Vineet Sinha, Sankalp Goswami, Manoj Kumar Mishra, Prashant Pallav, Ayush

Final Decision : Allowed

Judgement

Anil Kumar Choudhary, J

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 proceeding against the petitioners in connection with Complaint Case No. 344 of 2023 including the order dated 04.08.2023 passed by the learned Additional Chief Judicial Magistrate, Ghatshila whereby and where under the learned Additional Chief Judicial Magistrate, Ghatshila held that a prima facie case under Section 29 of the Industrial Disputes Act, 1947 is made out against the petitioners.

3. The brief fact of the case is that the petitioners alleged to have committed the offence punishable under Section 29 of the Industrial Disputes Act, 1947 as they have not implemented the award passed by the Central Government Industrial Tribunal (CGIT) No.1, Dhanbad in Reference Case No. 13 of 2017 dated 28.09.2022. On the basis of the complaint filed by the complainant-State

represented through Labour Enforcement Officer (Central) Barbil (Orissa), the learned Additional Chief Judicial Magistrate, Ghatshila has found prima facie case and taken cognizance of the offence punishable under Section 29 of the Industrial Disputes Act, 1947 inter alia against the petitioners.

4. Learned counsel for the petitioners relies upon the judgment of a Co-ordinate Bench of this Court in W.P.(L) No. 406 of 2023 dated 11.03.2025 and submits that the said award passed by the Central Government Industrial Tribunal (CGIT) No.1, Dhanbad in Reference Case No. 13 of 2017 dated 28.09.2022, has been set aside and the case has been remitted back to the Industrial Tribunal to consider the matter. It is next submitted that since the award has already been set aside, the question of its implementation of the same does not arise; therefore, the continuation of the criminal proceeding against the petitioners will amount to abuse of process of law. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

5. Learned Addl.P.P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand fairly submit that the award for non-implementation of which, cognizance was taken against the petitioners, has been set aside.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that since admittedly, the award for non- implementation of which, the prosecution was lodged against the petitioners, has already been set aside. The question of the same being implemented does not arise.

7. Under such circumstances, this Court is of the considered view that the continuation of the criminal proceeding against the petitioners will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceedings against the petitioners in connection with Complaint Case No. 344 of 2023 including the order dated 04.08.2023 passed by the learned Additional Chief Judicial Magistrate, Ghatshila, be quashed and set aside qua the petitioners only.

8. Accordingly, the entire criminal proceedings against the petitioners in connection with Complaint Case No. 344 of 2023 including the order dated 04.08.2023 passed by the learned Additional Chief Judicial Magistrate, Ghatshila, is quashed and set aside qua the petitioners only.

9. In the result, this Criminal Miscellaneous Petition is allowed.