

IN THE HIGH COURT OF DELHI

Crl.M.C.3040/2004

Lala Charat Ram & Ors. Petitioner
! through: Mr. Ajay Burman with Mr. Randhir
Kumar Sinha and Mr. Prabhat Kumar
Sinha, Advocates

VERSUS

\$ State & Anr. Respondents
^ through: None.

% DATE OF DECISION: 28.09.2007

CORAM:

*** Hon'ble Mr.Justice Pradeep Nandrajog**

1. Whether reporters of local papers may be allowed to see the judgment? Y
2. To be referred to the Reporter or not?Y
3. Whether judgment should be reported in Digest? Y

: PRADEEP NANDRAJOG, J. (ORAL)

1. Petitioners pray that the order dated 18.11.2000 summoning the petitioners to face trial for offences under Section 109/120B/339/340/383/503 IPC be set aside and complaint filed by the complainant Bhupendra Singh Chauhan be quashed.
2. At the outset, I may note that petitioner No. 1, Lala Charat Ram, impleaded as accused No. 1 has died during pendency of the present petition. Hence, the complain qua him i.e. Lala Charat Ram has abated.
3. In his complaint, Bhupendra Singh Chauhan stated that

first petitioner Lala Charat Ram was the Chairman of M/s. Shriram Pistons & Rings Ltd. Petitioner No.2 Ashok Kumar Taneja was stated to be the Senior Executive Director of the said company. Petitioner No. 3 R.Shriniwasan was stated to be Executive Director of the company. Petitioner No. 4 Rajeev Sethi was stated to be the Junior Executive Director of the company. Petitioner No. 5 Alok Bhattacharjee was stated to be Assistant General Manager of the company and petitioner No. 6 Ms. Swatantra Wadhwa was stated to be a Senior Assistant in the company. Complainant stated that after being interviewed, he was appointed as an officer on special duty and signed a service bond on 8.9.1994. That he joined the company on 5.10.1994. That the company started discriminating against the complainant and he protested. That the management of the company started acting in a manner which created a hostile work environment for the complainant. The intention was to somehow or other get rid of the complainant. That when everything failed, on 10.12.1998, in furtherance of a conspiracy by the accused persons, Rajeev Sethi, petitioner No. 4 called complainant to his cabin for a meeting at 5.00 P.M. That when he went to the cabin of Rajeev Sethi, petitioners 5 and 6, Alok Bhattacharjee and Swatantra Wadhwa were present in the cabin. They informed that they had discussed the matter with Ashok Taneja and R.Shriniwasan, petitioners 2 and 3 respectively who desired that the complainant should resign. That they told

the complainant that they were instructed by petitioner No.1, Lala Charat Ram to ensure that the complainant resigns. That petitioners 4, 5 and 6 told the complainant that if he did not resign, he would be transferred to a far away place and the company might even indict him in false case. That the complainant realized that he was trapped and was being threatened. On the pretext of going out from the room to type the requisite resignation letter, so stating, when he attempted to walk out of the cabin, petitioner No. 4 signaled to petitioner No. 5 and 6 who stood up and came in between the complainant and the door of the cabin thereby preventing the complainant to go out of the cabin. That petitioners 4, 5 and 6 provided a blank sheet of paper to the complainant and made him write a resignation letter and told him to date the same as 28.2.1999. That the complainant was thus forced under threat, illegal confinement and stress to write the resignation letter.

4. I may note that in his complaint, complainant stated that offences were made out even under Section 420 and Section 504 IPC, but learned Metropolitan Magistrate, in his order dated 18.11.2000 has summoned the accused persons to face trial for offences under Sections 109/120B/339/340/383/503 IPC.

5. It is urged by learned counsel for the petitioners that the complainant tendered a voluntary resignation and was just trying to harass the petitioners by filing a false and a frivolent

complaint. That the complainant was a law graduate and had joined the legal profession after his resignation. That complainant was misusing his position as a Member of the legal profession.

6. Unfortunately, no assistance has been rendered at the hearing today by the complainant who has chosen not to appear.

7. However, I have perused the record of learned Metropolitan Magistrate.

8. Along with the complaint, the complainant, under a index dated 21.4.1999 has filed 31 documents. The same have been exhibited in his pre-summoning evidence.

9. Ex.CW-1/21 is a letter dated 18.1.1999 addressed by the complainant to the Chairman of the company informing him of the incident on 10.12.1998. It has been stated in the letter as to how petitioners 4 to 5 procured from him a post-dated resignation letter dated 28.2.1999. That the complainant was withdrawing his post dated resignation. Further, proved as Ex. CW-1/22 is another letter dated 18.1.1999 informing petitioner No. 3, the Executive Director of the Company, that the complainant was withdrawing his post dated resignation dated 28.2.1999.

10. Since I am dealing with the issue pertaining to the summoning order and parties have yet to lead their evidence, lest prejudice is caused to either party at the trial, I refrain from noting the further testimony of the complainant at the pre-summoning stage.

11. Suffice would it be to note that letters dated 18.1.1999 Ex. CW-1/21 and Ex. CW-1/22 are prima facie sufficient material for the learned Metropolitan Magistrate to have taken cognizance of the complaint. They reveal that in the month of January 1999, complainant was making a grievance pertaining to a letter dated 28.2.1999.

12. Needless to state, whether complainant proves the manner in which he states he was compelled to resign or otherwise needs to be decided after parties lead full and complete evidence.

13. However, a correction needs to be made in the summoning order.

14. On the allegations in the complaint and the pre-summoning evidence, no case for wrongful confinement is made out but certainly a case of wrongful restraint is made out. Thus, petitioners have to be summoned for offence under Section 341 Cr.P.C. Similarly, pertaining to the grievance of the complainant that he was forced to do an act which he was not legally bound to do i.e. submit the resignation letter, offence for which petitioners have to face trial is under Section 506 of the Indian Penal Code.

15. Needless to state since there are allegations of conspiracy and abetment, petitioners have to face trial for alleged offences under Sections 109 and 120 B IPC as well.

16. I see no case made out under Section 383 IPC for the

reason no valuable security or nothing signed or sealed which could be converted into a valuable security has passed on from the complainant to the accused persons.

17. The petition accordingly stands disposed of holding that since first petitioner has died, complaint qua him stand abated. I modify the summoning order directing the remaining petitioners to face trial for offences under Sections 109/120B/341/506 IPC.

18. No costs.

19. LCR be returned forthwith.

September 28, 2007
mm

PRADEEP NANDRAJOG, J.