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

Reserved on: 04.08.2026

Date of Decision: 19.08.2026

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CNR No. DLHC010123352023

+ **CRL.M.C. 2415/2023 & CRL.M.A. 9180/2023**

DINESH KUMAR SINGHPetitioner

Through: Mr. Akash Kumar, Adv.

versus

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

Through: Mr. Digam Singh Dagar, APP for
State.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

JUDGMENT

MADHU JAIN, J.

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the '*Cr.P.C.*') seeking quashing of Complaint Application No. ALC/SD/2019/152, registered as ***Complaint Case No. 17353/2019***, instituted under Sections 18 and 19(4) read with Rules 26(1), 26(2), 26(5), 21(4), 21(4A) and 25(2), punishable under Section 22A of the Minimum Wages Act, 1948 (hereinafter referred to as the '*Minimum Wages Act*'), pending before the Court of the learned Metropolitan Magistrate (Evening Court-03), Patiala House Courts, New Delhi (hereinafter referred to as the '*learned Trial Court*'), along with all proceedings emanating therefrom, including the summoning order dated 25.06.2019.

Brief Facts

2. Briefly stated, the petitioner was employed with Shri Banarsidas Chandiwalla Sewa Smarak Trust Society (hereinafter referred to as the



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'Society') from the year 1983 till December, 2019 as an Estate Manager. It is stated that, in the said capacity, the petitioner was entrusted only with the upkeep, maintenance, renovation, construction and supervision of the buildings, gardens and other infrastructural facilities belonging to the Society situated at various locations in Delhi as well as in other States of the country.

3. It is stated that the Society is a registered society under the Societies Registration Act, 1860, established in the year 1952 by Late Shri Brij Kishan Chandiwalwa in memory of his father Late Shri Banarsidas Chandiwalwa. The Society is stated to be a charitable organisation engaged in the field of education and healthcare and runs several educational institutions, hospitals and allied establishments in Delhi. It is further stated that the Society regularly pays statutory minimum wages to its employees as notified by the appropriate Government from time to time.

4. It is the case of the petitioner that one Shyam Kumar joined the services of the Society as a Lift Operator at Banarsidas Chandiwalwa Institute of Medical Sciences on 18.04.2016 under the supervision of the General Manager (Hospital Administration). The said employee tendered his resignation on 01.09.2018 and, after serving the requisite notice period, was relieved from service with effect from 30.09.2018.

5. Thereafter, on 03.12.2018, Shyam Kumar submitted a complaint before the Assistant Labour Commissioner, Labour Department, Government of NCT of Delhi through the Indian National Migrant Workers' Union alleging, *inter alia*, non-payment of minimum wages by the Society. Pursuant thereto, the Labour Inspector issued a notice dated 11.12.2018 to the Society calling upon it to produce the relevant records and furnish compliance under the provisions of the Minimum Wages Act. It is further



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stated that the Labour Inspector allegedly inspected the establishment on 22.01.2019.

6. It is further stated that, on 25.06.2019, the Labour Inspector instituted Complaint Application No. ALC/SD/2019/152, which came to be registered as the aforementioned Complaint Case, alleging commission of offences under Sections 18 and 19(4) read with Rules 26(1), 26(2), 26(5), 21(4), 21(4A) and 25(2), punishable under Section 22A of the Minimum Wages Act, before the learned Metropolitan Magistrate (Evening Court-03), Patiala House Courts, New Delhi. On the same date, the learned Trial Court took cognizance of the complaint and issued summons to the accused persons, including the present petitioner.

7. According to the petitioner, he remained unaware of the institution of the complaint and the issuance of summons until February, 2023, when he was informed by the Society upon receipt of the summons. The petitioner thereafter entered appearance before the learned Trial Court through counsel on 22.02.2023, obtained a copy of the complaint. The present petition has been filed challenging the complaint and the proceedings emanating therefrom. It is the petitioner's case that he has been arrayed as an accused merely because he was serving as Estate Manager, despite having no responsibility in relation to payment of wages or compliance with the provisions of the Minimum Wages Act.

Submissions on behalf of the petitioner

8. Learned counsel for the petitioner submits that the complaint is barred by limitation. It is submitted that under Section 22B(2)(b) of the Minimum Wages Act, no Court can take cognizance of an offence punishable under Section 22A of the Act unless the complaint is filed within six months from the date of the alleged offence. It is submitted that the concerned employee



resigned from service with effect from 30.09.2018, whereas the complaint was filed only on 25.06.2019, beyond the prescribed period of limitation. It is further submitted that no application seeking condonation of delay was filed along with the complaint. Reliance is placed upon ***Balwant Singh (Dead) v. Jagdish Singh & Ors., (2010) 8 SCC 685*** to submit that delay cannot be condoned in the absence of sufficient cause.

9. Learned counsel further submits that the complaint does not satisfy the requirements of Section 22C of the Minimum Wages Act. It is submitted that there is no averment in the complaint that the petitioner was in charge of and responsible for the conduct of the business of the Society. It is further submitted that the Society, being the employer, has not been impleaded as an accused. According to learned counsel, Section 22C of the Minimum Wages Act is *pari materia* with Section 141 of the Negotiable Instruments Act, 1881 (hereinafter referred to as '*NI Act*') and, therefore, the principles governing vicarious liability are applicable. Reliance is placed upon ***Aneeta Hada v. Godfather Travels & Tours (P) Ltd., (2012) 5 SCC 661, Dayle De'Souza v. Government of India 2021 SCC OnLine SC 1012 and Sanjeev Gupta v. State (Government of NCT of Delhi) (2005) 5 SCC 181.***

10. Learned counsel lastly submits that the complaint and the material placed on record do not disclose the commission of any offence against the petitioner. Reliance is placed upon ***Directorate of Revenue v. Mohammed Nisar Holia, (2008) 2 SCC 370*** to contend that criminal proceedings should not be permitted to continue where the basic ingredients of the offence are not made out. It is, therefore, prayed that the complaint, the summoning order dated 25.06.2019 and all consequential proceedings be quashed.

Analysis & Findings

11. A perusal of the record shows that on the last two dates of hearing, the



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representatives of Respondent No. 2 had appeared before this Court. However, on the date when the matter was taken up for hearing and judgment was reserved, none appeared on behalf of Respondent No. 2. Learned counsel for the petitioner submitted that the present petition had remained pending for the last three years and prayed that the same be heard and decided.

12. In view thereof, this Court proceeded to hear the matter on the basis of the material available on record and the submissions advanced on behalf of the petitioner.

13. The principal grounds urged on behalf of the petitioner are that the complaint is barred by limitation under Section 22B(2)(b) of the Minimum Wages Act, that the petitioner cannot be fastened with vicarious liability in the absence of the necessary averments contemplated under Section 22C of the Minimum Wages Act, and that the Society itself has not been arrayed as an accused.

14. Insofar as the plea of limitation is concerned, Section 22B(2)(b) of the Minimum Wages Act provides that no Court shall take cognizance of an offence punishable under Section 22A unless the complaint is made within six months of the date on which the offence is alleged to have been committed. Thus, the relevant consideration for determining limitation is the date of commission of the alleged offence.

15. Reference may, in this regard, be made to ***JKumar-CRTV JV v. Regional Labour Commissioner & Ors.***, 2021:DHC:1431 passed by a Coordinate Bench of the Court wherein, though dealing with Section 20(2) of the Minimum Wages Act, considered the question of limitation under the said Act. This Court observed that notwithstanding the Minimum Wages Act being a welfare legislation, the statutory prescription of limitation cannot be



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overlooked and, where the statute permits a claim beyond the prescribed period upon sufficient cause being shown, such satisfaction must be based upon cogent and legal material.

16. Though ***JKumar–CRTV JV*** (supra) arose in the context of Section 20(2), the present complaint is governed by Section 22B(2)(b). The question in the present case is, therefore, whether the complaint was made within six months from the date on which the offences punishable under Section 22A are alleged to have been committed.

17. It is also a settled principle governing computation of limitation that where the prescribed period expires on a day when the Court is closed, the proceeding may be instituted on the day when the Court reopens. Thus, if the last day of limitation falls during the closure of the concerned Court, institution of the proceeding on its reopening would not render it barred by limitation.

18. In the present case, learned counsel for the petitioner seeks to reckon the period of six months from 30.09.2018, *i.e.*, the date on which Shyam Kumar was relieved from the services of the Society. However, the complaint alleges violations of Sections 18 and 19(4) read with Rules 26(1), 26(2), 26(5), 21(4), 21(4A) and 25(2), punishable under Section 22A of the Minimum Wages Act. The complaint made by Shyam Kumar before the Labour Department on 03.12.2018 was followed by notice dated 11.12.2018 and the alleged inspection of the establishment on 22.01.2019. The complaint before the learned Trial Court was thereafter instituted on 25.06.2019.

19. Merely because Shyam Kumar was relieved from service on 30.09.2018, the said date cannot necessarily be treated as the date of commission of each of the offences alleged. The allegations also relate to



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maintenance and production of statutory records and other compliances under the Minimum Wages Act and the Rules framed thereunder. The date of commission of the alleged offences, for the purposes of Section 22B(2)(b), has to be determined with reference to the nature of the particular statutory violation alleged. Accordingly, the contention that the complaint instituted on 25.06.2019 is *ex facie* barred by limitation merely by reckoning six months from 30.09.2018 cannot be accepted.

20. The next submission of the petitioner is that he was merely an Estate Manager concerned with the upkeep, maintenance, renovation, construction and supervision of the properties of the Society and had no role in the payment of wages or compliance with the provisions of the Minimum Wages Act. It is also contended that the necessary requirements of Section 22C of the Minimum Wages Act are not satisfied and that the Society itself has not been arrayed as an accused.

21. Section 22C of the Minimum Wages Act deals with offences committed by companies and provides for liability of persons who, at the time when the offence was committed, were in charge of and responsible to the company for the conduct of its business. The petitioner's contention regarding the limited nature of his duties raises an issue as to his actual role and responsibilities in the establishment. The same cannot be conclusively determined merely on the basis of the assertions made in the present petition and would require consideration of the material before the learned Trial Court.

22. The reliance placed upon *Aneeta Hada* (supra) and *Dayle De'Souza* (supra) does not warrant quashing of the proceedings at this stage. The applicability of the principles governing vicarious liability has to be considered in the context of the statutory scheme of Section 22C and the



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allegations made in the complaint.

23. At the stage of summoning, the Court is not required to undertake a meticulous appreciation of the evidence or determine whether the prosecution would ultimately result in conviction. Likewise, while exercising jurisdiction under Section 482 Cr.P.C., this Court cannot undertake an enquiry into disputed questions of fact or conduct a mini trial to determine the correctness of the defence raised by the accused.

Conclusion

24. In view of the aforesaid discussion, this Court does not find the complaint or the summoning order dated 25.06.2019 to be *ex facie* untenable so as to warrant interference in exercise of jurisdiction under Section 482 Cr.P.C.

25. Accordingly, the present petition is dismissed. Pending application(s), if any, also stand disposed of.

26. It is clarified that nothing observed herein shall be construed as an expression on the merits of the case and the learned Trial Court shall proceed in accordance with law, uninfluenced by any observations made herein.

27. Copy of order be sent to learned Trial Court for necessary information and compliance.

**MADHU JAIN
(JUDGE)**

AUGUST 19, 2026/Av