

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

Date of Decision: January 13, 2015

+ **CRL.M.C. 5080/2014**

ANIL KUMAR JAIN & ORS Petitioners

Through: Mr. Amiy Shukla, Advocate

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Mr. Vinod Diwakar, Additional
Public Prosecutor for respondent-
State with SI Bal Mukund
Ms. Ayushi Kiran, Advocate with
respondent No.2 in person

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Quashing of FIR No.32/2013 under Sections 370/374/342/34 of IPC and Sections 16/17/18/19 of *the Bonded Labour System (Abolition) Act, 1976* and Sections 23/26 of *the Juvenile Justice (Care and Protection of Children) Act, 2000* registered at P.S. Rajinder Nagar, Delhi is sought on the basis of the *Settlement Agreement (Annexure P- 2)*, which has been acted upon in the criminal proceedings. It is so evident from the certified copy of order of 15th October, 2014 (*Annexure P- 3*) of the revisional court.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that the prosecutrix and her father are present in the Court

and they have been identified to be so by SI Bal Mukund on the basis of identity proofs produced by them. It is submitted by the prosecutrix and her father that the aforesaid *Settlement Agreement* between the parties has been arrived at and terms thereof have been acted upon as she has already received demand draft of ₹50,000/- out of the settled amount and today, she has received a demand draft bearing No.003925 of 1st December, 2014 for ₹50,000/-. Prosecutrix submits that now she is aged 16 years and is presently lodged in Children Home, Nirmal Chhaya Complex, Jail Road and wants to be under the guardianship of her father, who is present in the Court.

Respondent No.2-Sukhlal Oranga, who is the father of prosecutrix, present in the Court, submits that the expenses incurred by him ought to be given to him.

Learned counsel for petitioners, on instructions, submits that a sum of ₹30,000/- in cash would be handed over to father of the prosecutrix towards the expenses, etc., against a receipt and the said would be promptly placed on record.

Learned Additional Public Prosecutor for respondent-State informs that the FDR of ₹50,000/- already given by petitioners to prosecutrix has been lapsed and now the same be prepared afresh and the amount be deposited in the bank account of the prosecutrix at the Nirmal Chhaya Complex and the said bank account of prosecutrix be transferred to her native place.

Let it be so done.

In '*Gian Singh Vs. State of Punjab*' (2012) 10 SCC 303 Apex Court has recognized the need of amicable resolution of disputes in cases

like the instant one, by observing as under:-

“61. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceedings.”

In the facts and circumstances of this case , the said FDR stands cancelled and now the same be prepared afresh and the prosecutrix be released from Children Home at Nirmal Chhaya Complex and her custody be handed over to her father, who is present in the Court.

Upon compliance of aforesaid directions, FIR No.32/2013 under Sections 370/374/342/34 of IPC and Sections 16/17/18/19 of *the Bonded Labour System (Abolition) Act, 1976* and Sections 23/26 of *the Juvenile Justice (Care and Protection of Children) Act, 2000* registered at P.S. Rajinder Nagar, Delhi and the proceedings emanating therefrom shall stand quashed *qua* petitioners.

This petition is accordingly disposed of. The Incharge, Children Home, Nirmal Chhaya Complex, Jail Road, New Delhi be apprised of this judgment forthwith for compliance and report.

Dasti.

(SUNIL GAUR)
JUDGE

JANUARY 13, 2015

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