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

+ **CRL.M.C. 1255/2017**

AKASH ARORA @ AAKASH RAI

..... Petitioner

Represented by: Mr. M.L. Yadav, Advocate
with petitioner in person.

versus

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

Represented by: Mr. Amit Ahlawat, APP for the
State with SI R.S. Pandit, PS
Preet Vihar.
Respondent No. 2 in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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27.03.2017

Crl. M.A. No. 5158/2017 (Exemption)

Allowed, subject to all just exceptions.

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By the present petition the petitioner seeks quashing of FIR No. 639/2014 under Section 23 of the Juvenile Justice Act, 2000 (in short 'the JJ Act') registered at PS Preet Vihar, Delhi. The above noted FIR was registered on the directions of the Principal Judge, Juvenile Justice Court when respondent No. 2 as a minor was produced before the Juvenile Justice Board. Before the Juvenile Justice Board, respondent No.2 stated that he was working with the petitioner as a domestic help and since his salary was not paid, he stole the phone and money. Though cognisance was taken on

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the statement of the respondent No.2 qua him however, on this statement directions were issued to register FIR against the petitioner being the employer of the juvenile under Section 23 of the Juvenile Justice Act.

The respondent No. 2 is a major now and has settled the matter.

Respondent No.2, who is present in Court and is identified by the Investigating Officer states that he made the said statement because though the amount of salary was due on 1st October, 2014 however, as he needed the amount so before being due wanted the same and asked the petitioner prior to completion of the month. Respondent No.2 states that he has settled the matter with the petitioner and the amount of salary which was due towards the petitioner has been received by him today in Court. He states that he does not wish to pursue the above noted FIR and the proceedings pursuant thereto.

Petitioner who is present in Court and is identified by learned counsel affirms the statement of respondent No. 2.

Considering the nature of allegations, that is, it was non-payment of wages for one month which was likely to be due when the demand was made, the fact that the inquiry qua the respondent No. 2 has since been closed and the respondent No. 2, who is a major now, has settled the matter with the petitioner of his own free will, volition and without any coercion and that he does not wish to pursue the above noted FIR and the proceedings, pursuant thereto, no useful purpose will be served in continuance of the proceedings. The punishment prescribed for the offence punishable under Section 23 of the JJ Act is sentence of imprisonment upto a period of six months or fine. Thus there being no minimum sentence

prescribed there is no legal impediment in quashing the FIR in question. It would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

Consequently, FIR No. 639/2014 under Section 23 of the Juvenile Justice Act, 2000 registered at PS Preet Vihar, Delhi and proceedings pursuant thereto are hereby quashed.

Parties have signed this order sheet in acknowledgment of their statements made before this Court.

Petition is disposed of. Order dasti.

MUKTA GUPTA, J.

MARCH 27, 2017

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