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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4619/2017
PRAMOD KUMAR MITTAL Petitioner
Through: Mr. Satya Narayan Vashishth, Adv.
versus

THE STATE GOVT OF NCT OF DELHI & ANR..... Respondent
Through: Mr. Kamal Kr. Gheri, APP for State
with SI Prabhakaran, PS Chhawla.
Mr. Sarthak Maggon, Adv. for R-2
along with R-2 in person.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER
% **13.12.2017**

Pursuant to the directions dated 22.11.2017, the State has submitted a status report submitting to the effect that the factory of the petitioner in the name Jai Tirupati Industries at Village Paprawat, Najafgarh has been closed since the last 1 year and 3 months and the photographs in relation to the said closed factory are annexed with the said report dated 11.12.2017 signed by the SHO, PS Chhawla. In reply to a specific Court query, it has been submitted on behalf of the State that there are no previous adverse antecedents against the petitioner and there are no previous offences committed by the petitioner under the Child Labour Act, 1986 nor under the Juvenile Justice (Care and Protection) Act, 2015.

Vide the present petition, the petitioner seeks quashing of FIR No.0164/2013, registered at PS Chhawla, under Sections 287/338/374 Indian Penal Code, 1860 and under Sections 3 & 14 of Child Labour (Prohibition and Regulation) Act, 1986 and Sections 23 & 26 of

Juvenile Justice (Care and Protection) Act, 2015 and all the proceedings emanating therefrom.

The Investigating Officer of the case is present and has duly identified the petitioner as being the sole accused in this case and also identified the respondent no.2 present in the Court today as being the victim.

The respondent no.2 on his examination on oath by the Court has affirmed his signature on the affidavit at point-A and B on Ex.CW2/A which he has signed voluntarily of his own accord and without any duress, coercion or pressure from any quarter and stated that a settlement has been arrived at between him and the petitioner and the petitioner has to pay a sum of Rs. 1,55,000/- to him in relation to the said settlement. Mr. Sarthak Maggon, learned counsel for the respondent no.2 has admitted the FDR placed on record as Ex. CW2/B for a sum of Rs. 31,320/- with maturity value of Rs. 48,281/- in the name of the respondent no.2 .

During the course of proceedings, the petitioner has handed over a demand draft bearing no. 307439 dated 13.12.2017 for the sum of Rs. 24,000/- and another demand draft bearing no. 041242 dated 14.11.2017 for a sum of Rs. 1 lakh in favour of the respondent no.2, photocopies of which are on record as Ex. CW2/C and D respectively.

The respondent no.2 has thus stated that there are no further claims of his left against the petitioner and thus he does not oppose the prayer made by the petitioner seeking quashing of FIR No.0164/2013, registered at PS Chhawla.

Taking into account the statement made by the respondent no.2 qua which there is no reason to disbelieve his statement that he has so stated voluntarily of his own accord without any duress, coercion or pressure from any quarter and the status report dated 11.12.2017 submitted by the SHO, PS Chhawla indicating that the factory of the petitioner where the respondent no.2 had been engaged when he was a minor, has been closed down since the last 1 year and 3 months and the photographs of the said factory being annexed with the said report, coupled with further aspect that there are no previous adverse antecedents against the petitioner even in relation to the alleged commission of alleged offence punishable under the Child Labour (Prohibition and Regulation) Act, 1986 or under the Juvenile Justice (Care and Protection) Act, 2015, it is considered appropriate to put a quietus to the litigation between the parties so that the peace and harmony between them is restored in view of the settlement arrived at between the petitioner and the respondent no.2 thus the FIR No.0164/2013, PS Chhawla, under Sections 287/338/374 Indian Penal Code, 1860 and under Sections 3 & 14 of Child Labour (Prohibition and Regulation) Act, 1986 and Section 23 & 26 of Juvenile Justice (Care and Protection) Act against the petitioner and all consequential proceedings emanating therefrom are quashed.

Copy of the order be given *Dasti*, as prayed.

ANU MALHOTRA, J

DECEMBER 13, 2017

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