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

% Judgment delivered on: 09.08.2018

+ CRL.M.C. 2320/2018

LILADHAR RAMCHANDANI & ORS Petitioners

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Advocates who appeared in this case:

For the Petitioners : Ms. Nishtha Chawla, Advocate.

For the Respondent: Ms. Neelam Sharma, APP for the State.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
09.08.2018

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioners seek quashing of FIR 398/2016 under Sections 5/7 of the Haryana Essential Services Maintenance Act, 1974, Police Station IP Estate.

2. The subject FIR was registered consequent to a strike which was undertaken by the petitioners, who were nurses and office bearers of the Nurses Association at the Govind Ballabh Pant Institute of Post

Graduate Medical Education & Research.

3. Subsequently, the management of the hospital in its meeting of 03.09.2016 had decided that in case the strike was withdrawn there would be no need to continue ESMA. Subsequently, a Circular was issued on 06.09.2016 to the said effect which recorded that an MOU was signed between the Nurses Federation and the Government. Thereafter, a meeting of the Department of the Health & Family Welfare was held on 23.02.2017, wherein, it was decided to consent to the quashing of the subject FIR. Thereafter, a Circular dated 14.11.2017 was also issued.

4. By order dated 05.07.2018, learned APP for the State was directed to take instructions from the hospital and to verify the said Circular dated 14.11.2017.

5. Status report along with some documents has been filed. The same are taken on record. As per the status report and the documents, have been verified. The hospital and the government have consented to the quashing of the subject FIR.

6. In view of the fact that the petitioners have complied with the agreement, which was entered into between the Nurses Association as well as the Government and they subsequently withdrew their strike and further that the Government has taken decision to withdraw all the proceedings initiated against the nurses as well as the Nurses

Association, I am of the view that it is fit a case for quashing of the subject FIR to restore peace and harmony.

7. In view of the fact that the parties have resolved their disputes, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

8. In view of the above, the petition is allowed. FIR 398/2016 under Sections 5/7 of the Haryana Essential Services Maintenance Act, 1974, Police Station IP Estate and the consequent proceedings emanating therefrom are, accordingly quashed.

9. Order *Dasti* under signatures of the Court Master.

AUGUST 09, 2018
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SANJEEV SACHDEVA, J