

\$~35

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

+ CRL.M.C. 5448/2018 & CrI.M.A. Nos.35042/2018 (for stay),
35043/2018 (for exemption)

RAJEEV SHARMA & ORS

..... Petitioners

Through: Mr.M.S. Oberoi, Ms.Sipia Kukreja &
Ms.Priyanka Toppo, Advs.

versus

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

Through: Mr.Raghuvinder Verma, APP for hte
State with SI Hansraj Swami, PS
Dwarka North.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

%

29.10.2018

1. Vide the present petition, the petitioners seek quashing of FIR No.239/2013 under Sections 344/34 IPC read with Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000 registered at PS Dwarka North, on the basis of a settlement deed dated 14.08.2018 executed by the parties.

2. Learned counsel for the petitioners submits that a complaint was lodged by the respondent no.2 against the petitioners upon finding that respondent no.3 who was living in the premise rented out by him to her father/petitioner no.3, had been missing for a period of about one week. The respondent no.2, under an apprehension that respondent no.3 had been sold off by the petitioner no.3/her father,

lodged a complaint leading to the registration of the captioned FIR. He submits that the said apprehension was wholly incorrect as during the said period, respondent no.3 had been working in the house of the petitioner no.1 voluntarily where she had never been ill-treated or been abused by the petitioner nos.1 and 2. Learned counsel for the petitioners submits that the petitioner nos.1 and 2 were not aware that the respondent no.3 was a minor and they had agreed to employ her only on the presumption that she was a major and had come with the consent of her father.

3. Learned counsel for the petitioners submits that in the light of the aforesaid position, the parties have now entered into a settlement on 14.08.2018 with the help of the elders of the society. He, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. The petitioners as also the respondent no.2 and 3 are present in Court. I have interacted with the respondent nos.2 and 3 who clearly state that they have entered into the aforesaid settlement voluntarily without any coercion and out of their own free will. Both respondent nos.2 and 3 jointly pray that the FIR and all consequential proceedings be quashed.

5. Having considered the submissions of the learned counsel for the parties and perused the record, I am of the opinion that no useful purpose will be served in prolonging the criminal proceedings, especially since respondent no.3 has categorically stated in Court that she was never ill-treated and harassed by the petitioner nos.1 and 2 in any manner and she had voluntarily gone to work in the house of the

petitioner no.1. The ends of justice therefore, demand that the FIR and consequential proceedings be quashed.

6. Accordingly, the petition is allowed and the FIR No.239/2013 under Sections 344/34 IPC of the read with Section 23 of the Juvenile Justice (Care and Protection of Children) Act, 2000 registered at PS Dwarka North and proceedings emanating therefrom are quashed, subject to the petitioner nos.1 and 2 jointly depositing a sum of Rs.25,000/- with the Delhi High Court Advocates Welfare Trust, within two weeks from today. A copy of receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

7. The petition and the pending applications are disposed of.

REKHA PALLI, J

OCTOBER 29, 2018

gm