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

+ **CRL.M.C. 5425/2018**

CHANDRA PRAKASH & ORS Petitioner

Through Mr.N.K.Rawal, Adv.

versus

THE STATE & ANR Respondent

Through Ms.Manjeet Arya, APP with SI
S.K.Jha, PS North Rohini.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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26.10.2018

Crl.M.A.34921/2018 (exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 5425/2018

1. Vide the present petition, the petitioners seek quashing of FIR No.0350/2017 registered u/s 75/79 of the JJA at P.S. North Rohini and all criminal proceedings emanating therefrom.
2. The allegations against the petitioners no.1 and 2, who are professional Doctors employed with government agencies are that they had employed the minor son of respondent no.2 as domestic help in the Bed and Breakfast being operated by them in the 3rd and 4th floors of their residence. Mr.N.K.Rawal, learned counsel for the petitioners no.1 & 2, submits that when the petitioners no.1 and 2 had employed the respondent nos.2's minor son, namely Sanika Barjo, they were not aware of the fact

that he is a minor as he was brought by his uncles, who are the petitioners no.3 & 4 herein. He further submits that the petitioners no.1 & 2 had never ill treated Sanika Barjo and were truly repentant for employing a minor child. He further submits that pursuant to the order dated 23.08.2017 passed by the Child Welfare Committee, the petitioners no.1 & 2 have paid a sum of Rs.1,41,026/- to the respondent no.2's minor son and the said amount has already been credited into his account.

3. The petitioners as also the respondent no.2 and his minor son are present in Court and have been identified by the Investigating Officer. I have interacted with the respondent no.2 and his minor son, and it appears that they have entered into the settlement voluntarily and without any coercion. The respondent no.2 submits that he wishes to take his son back to their native village and, therefore, does not wish to pursue the present criminal proceedings. He further submits that grave hardship would be caused to him in case the present criminal proceedings are allowed to continue.

5. I have considered the submissions of the learned counsel for the parties and perused the record. Even though the allegations against the petitioners no.1 & 2 relate to torture of a minor child, keeping in view the wishes expressed by the respondent no.2 and his minor child, I am of the opinion that no useful purpose would be served in continuing with the criminal proceedings arising out of the captioned FIR. The ends of justice demand that the FIR and consequential proceedings be quashed.

6. Accordingly, in the interest of justice, the petition is allowed and the captioned FIR alongwith all consequential proceedings are quashed, subject to the petitioners paying a sum of Rs.50,000/- to the respondent

no.2. Learned counsel for the petitioner submits that the said amount is being paid to the respondent no.2 in Court itself.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

OCTOBER 26, 2018

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