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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 5616/2018 & CrI.M.A. No.35655/2018 (for exemption)
SANJAY KUMAR SINGH & ORS Petitioners
Through: Mr.Vishal Dhawan & Mr.Rajesh Kr.
Singh, Advs. with petitioners in
person.

versus

THE STATE (NCT OF DELHI) & ORS Respondents
Through: Mr.Amit Chadha, APP for the State
with SI Jasmer Singh, PS Jahangir
Puri.
Mr.Sagar Roy, Adv. for R-2 & 3.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **02.11.2018**

1. Vide the present petition under Section 482 Cr.P.C., the petitioners seeks quashing of FIR No.79/2014 under Section 363 of the IPC registered at Police Station Jahangir Puri, Delhi and all consequential proceedings, on the basis of a Memorandum of Settlement dated 20.10.2018.

2. Learned counsel for the petitioners submits that the petitioner no.1 is the sole proprietor of M/s.Sony Group at Kotla Mubarak Pur, which is a registered proprietorship firm dealing with supply of manpower for domestic and commercial purposes while petitioner

nos.2 to 5 are employees of the aforesaid firm. He submits that the respondent no.2 had approached the petitioner no.1 through an ex-employee of the firm seeking placement as a domestic help. He submits that the respondent no.3 had categorically stated that she was a major, which statement the petitioner no.1 had no reason to doubt. Based on the said statement, she was deputed to work with a prospective employer in Gurugram where she worked for one year, whereafter based on her express desire to work outside Delhi, she was sent to work with one Ms.Monika Surana in Bengaluru, where she worked happily for almost three years. It transpires from the record that since respondent no.3 had left her jhuggi without informing her mother i.e. respondent no.2, a complaint of kidnapping was lodged by respondent no.2, based on which, the aforesaid FIR was registered in 2014, but respondent no.3 could not be found.

3. Mr.Dhawan, submits that it was only on 06.10.2018, when the respondent no.3 herself approached the officials of RPF at Bengaluru and expressed her desire to go home, that her statement under Section 161 Cr.P.C. was recorded in respect of the captioned FIR and it is only then that the names of all the petitioners had surfaced. He submits that the petitioners had not at all either kidnapped respondent no.3 or committed any other illegal act and have been falsely implicated.

4. Learned counsel for the petitioners further submit that, in any event, all the parties have now entered into a settlement vide Memorandum of Settlement dated 20.10.2018 and respondent no.3 has already been paid a sum of Rs.3 lakhs as compensation. He,

therefore, prays that the captioned FIR and consequential proceedings be quashed.

5. The petitioners as also the respondent no.2 and 3 are present in Court and are represented by their counsel. The parties have been duly identified by the Investigating Officer. The petitioners and the respondent nos.2 & 3 categorically state that they have entered into the aforesaid settlement of their free will and without any coercion. They further submit that they have settled their disputes with the petitioners and they do not wish the proceedings to continue any further. They, therefore, pray that the FIR and all consequential proceedings be quashed.

6. I have considered the submissions made by the learned counsel for the parties and perused the record. It transpires that the only allegation which the respondent no.3 has made against the petitioners in her statement before the Police, was regarding non-payment of arrears of her salary for three years, which admittedly stands paid to her. Keeping in view the fact that the parties have voluntarily entered into a settlement and respondent no.3 has categorically stated in Court that she had herself approached petitioner no.1 for seeking employment by representing that she was a major, the continuation of criminal proceedings will, in my considered opinion, be a futile exercise. The ends of justice demand that the FIR and consequential proceedings be quashed.

6. For the aforesaid reasons, the petition is allowed. The captioned FIR and all consequential proceedings are quashed, subject to costs of Rs. 50,000/- payable by the petitioners to Delhi Police

Martyr's Fund, A/C No.18200110036907, UCO Bank. Delhi, IFSC Code UCBA0001820 within four weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer.

7. The petition is disposed of in the above terms along with the pending application.

REKHA PALLI, J

NOVEMBER 02, 2018

gm