

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION (APL) NO. 47 OF 2024

Parmeetkumar Gurucharan Singh Rajput ...Applicant
Versus
The State Of Maharashtra And Anr ...Respondents

Mr.Nikhil Wadikar (through V.C.) a/w Mr.Niranjan Kandade
Advocate for Applicant.

Ms. Mallika R Pujari Advocate for Respondent No.2.

Mr. Y. M. Nakhwa, APP for Respondent-State.

PSI. Yogesh Jadhav, CBD Belapur Police Station, Navi Mumbai is
present.

**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**

DATE : 21st FEBRUARY 2024

P.C.:-

1. The applicant is charge-sheeted for offences under Sections 3, 4, 14 and 18 of the Child Labour (Prohibition and Regulation) Act, 1986 and Sections 75 and 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

2. First Information Report was registered on 14th June 2023 with C.B.I. Belapur Police Station, Navi Mumbai. It was alleged that, the victim boy aged around 17 years found working in the garage owned by the applicant.

3. Learned Advocate for the applicant and Respondent No.2 submitted that, the parties have resolved the dispute. Father of Respondent No.2 has

filed affidavit of consent. Respondent No.2 and his father were present in the Court on the last occasion. They are residents of Bhagalpur, Purnia, Bihar. Offences under Sections 3, 4, 14 and 18 of Child Labour (Prohibition and Regulation) Act, 1986 are not attracted. The victim boy was aged around 17 years at the time of alleged incident. The amount of Rs.10,000/- towards compensation would be deposited into the account of father of Respondent No.2. Since there was no violation of provision of the said Act, the applicant ought not to have been charge-sheeted for the said offences.

4. Respondent No.2 and his father were present in the Court on the last occasion. They had expressed that they have come from Bihar and would not be in a position to remain present on the next date of hearing. They are represented by Advocate. Affidavit of father of Respondent No.2 is taken on record. He has no objection for quashing the proceeding.

5. As per Section 2(ii) of Child Labour (Prohibition and Regulation) Act, 1986, "child" means a person, who has not completed his fourteenth year of age. Section 3 of the said Act relates to prohibition of employment of children in certain occupations and processes. As per the said provision, no child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on. Part A and Part B of the schedule referred to in Section 3 of the said Act. the occupation set

out therein does not include the place where the victim was allegedly working.

6. Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 relates to cruelty to child. Section 79 of the of the said Act relates to exploitation of child employee. It is pertinent to note that, there is no statement of victim alleging that he was exploited as enumerated in Section 79 of the Act. Considering the aforesaid circumstances, proceeding can be quashed.

ORDER

- (i) Criminal Application (APL) No.47 of 2024 is allowed.
- (ii) Proceeding in S.C.C. No.7626 of 2023 pending before the Court of Civil Judge Junior Division and JMFC, Belapur, Navi Mumbai, arising out of FIR No.118 of 2023 registered with CBD Belarpur Police Station, Navi Mumbai are quashed and set aside.
- (iii) Application stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)