

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE THIRD DAY OF JUNE
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

CRIMINAL PETITION NO: 10779 OF 2023

Between:

Dhanee Singh @ Dhanush Singh S/o. Sanwar Dheen Bharath, Aged about 35 years, Occ. Business, R/o. H. No. 390/1, Gundlapochampally, Medchal-Malkajgiri.

...PETITIONER/SOLE ACCUSED

AND

1. State of Telangana, Through Public Prosecutor at High Court of Telangana.
2. Kasarla Mahender, S/o. Venkaiah, Aged. 39 years, Occ. Legal-cum-Probation Officer, DCPU, Medchal, R/o. Plot No. 3, BRB Office, G.V. Reddy Colony, Alwal, Medchal-Malkajgiri District - 500010. Mobile.- 7569790703

...RESPONDENTS

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to Quash the proceedings in C.C. No. 1833 of 2023 on the file of IInd Addl. JCJ-cum-IXth Addl. Metropolitan Magistrate, Cyberabad, Medchal-Malkajgiri District for offence under Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 against the Petitioner/ Sole Accused.

I.A. NO: 1 OF 2023

Petition under Section 482 of Cr.P.C praying that in the circumstances stated in the Memorandum of Grounds of Criminal Petition, the High Court may be pleased to stay all further proceedings in C.C. No. 1833 of 2023 on the file of IInd Addl. JCJ-cum-IXth Addl. Metropolitan Magistrate, Cyberabad, Medchal-Malkajgiri District for offence under Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 against the Petitioner/ Sole Accused including

the personal appearance of the Petitioner/ Sole Accused, pending disposal of the present Criminal petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri BAGLEKAR AKASH KUMAR, Advocate for the Petitioner and SRI S. GANESH, Assistant Public Prosecutor on behalf of the Respondent No. 1 and none appeared for the Respondent No. 2.

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE K. SUJANA

CRIMINAL PETITION No.10779 of 2023

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') by the petitioner, who is arrayed as sole accused to quash the proceedings against him in C.C.No.1833 of 2023 on the file of learned II Additional Junior Civil Judge-cum-IX Additional Metropolitan Magistrate, Cyberabad, Medchal-Malkajgiri District, registered for the offence punishable under Section 79 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act').

2. The brief facts of the case are that the de-facto Complainant alleged that on 17.01.2023 at about 14.30 hours, as part of Operation Smile, the team of pet Basheerabad and division team and child line team with DCPU team when they were on duty, they received information that a person by name Dhanush Singh is running Karni Interiors at Gundlapochampally and there is one minor by name Sathyam whose age is 17 years and the said minor is

made to work for less salary and is made to work for more hours. Based on the complaint, the Police Pet Basheerabad registered a case vide Crime No.72 of 2023.

3. Heard Sri Baglekar Akash Kumar, learned counsel for the petitioner and Sri S. Ganesh, learned Assistant Public Prosecutor for respondent No.1- State.

4. Learned counsel for the petitioner submitted that the petitioner was falsely implicated in the case alleging that besides engaging the victim minor more than prescribed working hours, the petitioner paid the less salary to the victim minor. In this regard, he placed reliance on the judgment of the High Court of Kerala in **A. Nizamuddin Vs. SHO, Kannur¹**; **Kothakonda Aishwarya Vs. State of Telangana²** and the judgment of the Apex Court in **R.P.Kapur Vs. State of Punjab³** and prayed the Court to allow the Criminal Petition by quashing the proceedings against the petitioner.

5. On the other hand, the learned Assistant Public Prosecutor submitted that at this stage it cannot be decided

¹ (2017) SCC online Ker 7324:2017 Cri LJ 4085

² (2023) (2) ALD (Cri.) 321 (TS)

³ (1960) 3 SCR 388

that whether the victim is working more hours than the prescribed working hours and the petitioner is paying less salary, as such, it requires trial. Therefore, he prayed to dismiss the petition.

6. In view of the rival submissions made by both the learned counsel, this Court has perused the material available on record and found that alleged offence is under Section 79 of Juvenile Justice (Care and Protection of Children) Act, 2015. The allegation against the petitioner is that inspite of using service of victim minor child who was aged about 17 years more than the prescribed working hours, he is paying less salary to the victim. It is pertinent to note that the averments in the complaint do not reveal that the petitioner how many hours victim worked and what is the salary paid by the petitioner. Moreover, the essential ingredient to attract the offence under Section 79 of the Act is that the minor child must be kept in bondage for purpose of employment or the child's earnings should be withheld or such earnings shall be used by employer for his own purpose, where as the said allegations are not there in the complaint or in the charge sheet. Hence, considering the facts and circumstances of the

case, this Court is of the considered opinion that since neither the victim minor kept in bondage for purpose of employment nor the petitioner engaged the victim minor without paying any amount, the offence under Section 79 of the Act does not attract and the proceedings against the petitioner are liable to be quashed.

7. Accordingly, the Criminal Petition is allowed and the proceedings against the petitioner in C.C.No.1833 of 2023 on the file of learned II Additional Junior Civil Judge-cum-IX Additional Metropolitan Magistrate, Cyberabad, Medchal-Malkajgiri District, are hereby quashed.

Miscellaneous applications, if any pending, shall also stand closed.

Sd/- P. GOWRI SHANKAR
ASSISTANT REGISTRAR

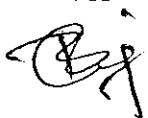
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SECTION OFFICER

To,

1. The II Additional Junior Civil Judge-Cum-IX Additional Metropolitan Magsitrate, Cyberabad, Medchal-Malkajgiri District
2. The Station House Officer, Pet Basheerabad Police Station, Medchal District
3. Two CCs to the Public Prosecutor, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI BAGLEKAR AKASH KUMAR, Advocate [OPUC]
5. Two CD Copies

VH

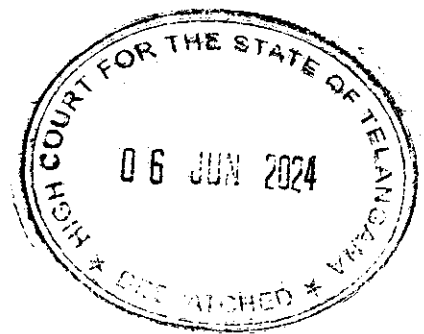


HIGH COURT

DATED: 03/06/2024

ORDER

CRLP.No.10779 of 2023



**ALLOWING THE
CRIMINAL PETITION**

⑧
6/6/24
K.B