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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Reserved on: 03.04.2024**Pronounced on: 02.05.2024*+ **W.P.(CRL) 316/2023, CRL.M.A. 2923/2023 & CRL.M.A. 10145-46/2024**

PRABHAT KRISHNA

..... Petitioner

Through: Mr. N. Hariharan, Senior Advocate along with Mr. Shashank Khurana, Mr. Saurabh Rajpal, Mr. Deepak Verma, Mr. Siddharth Yadav, Ms. Punya Rekha, Mr. Mueed Shah, Mr. Nipun and Mr. Rishey Andona, Advocates. Mr. Maninder Singh Senior Advocate for M/s Cheshire Home.

versus

STATE NCT OF DELHI AND ORS

..... Respondents

Through: Mr. Rahul Tyagi, ASC for the State with Ms. Priya Rai, Mr. Sangeet Sibou, Mr. Jatin and Mr. Mathew M. Philip, Advocates along with ACP Rakesh Sharma, P.S. Kalkaji.

+ **CONT.CAS(C) 356/2024 & CM APPL. 19641/2024**

PRABHAT KRISHNA

..... Petitioner

Through: Mr. N. Hariharan, Senior Advocate with Mr. Shashank Khurana, Mr. Saurabh Rajpal,



Mr. Deepak Verma, Mr. Siddharth Yadav, Ms. Punya Rekha, Mr. Mueed Shah, Mr. Nipun and Mr. Rishey Andona, Advocates.

Mr. Maninder Singh Senior Advocate for M/s Cheshire Home.

versus

SUNITA KAROTIYA & ORS. Respondents

Through: Appearance not given.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

SWARANA KANTA SHARMA, J.

W.P.(CRL) 316/2023

1. By way of this judgment, this Court shall dispose of W.P. (CRL) 316/2023 and CONT.CAS(C) 356/2024, arising out of same facts and circumstances.

2. The instant writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been filed on behalf of the petitioner seeking issuance of writ/order/direction in the nature of certiorari or any other appropriate order for quashing of FIR bearing No. 07/2023, registered at Police Station New Friends Colony, Delhi for offences punishable under Sections 354/509 of the Indian Penal Code, 1860 ('IPC') read with Section 3(1)(x) of the Scheduled Castes and the



Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC & ST Act') and proceedings emanating therefrom.

3. Brief facts of the present case are that on the complaint of complainant, an FIR was registered wherein it had been alleged that the complainants are working and residing in Cheshire Home, Okhla Road, New Friends Colony Unit, New Delhi from the past 35 to 40 years. It is alleged that on 26.09.2022 at around 11:30 AM when all the complainants herein went to meet the present petitioner along with other co-accused persons to address some of their grievances. Then all of a sudden, the present petitioner got agitated and started yelling at the complainants in a very disrespectful manner. It is further alleged that the present petitioner had asked all the complainants to leave his office immediately using filthy and abusive language. Moreover, it is also alleged that the petitioner had started touching the complainants inappropriately in order to take all of the complainant's out of the office. Thereafter, allegedly the complainants had made a call on 112 i.e., the police helpline number and subsequently, two PCRs had arrived and had taken both the parties to the police station. However, as alleged due to certain unknown reasons the complaint of the complainants had not been received and they had been asked to meet certain police officers. At around 6 PM they all had left the police station and subsequently the complainants had received a phone call from the police station asking all of them to come at the said police station at around 7:30 PM to 8:00 PM. Upon reaching, the police station the complainants were allegedly made to sign a compromise deed and their complaint was



never received. It is further alleged that the complainants had received an information from reliable sources that the present petitioner is trying to falsely implicate the complainants in some other case. Thereafter, the present FIR was registered.

4. This Court notes that the present petition for quashing of the FIR by the petitioner was filed on 30.01.2023. During, the course of hearing of the present petition the predecessor court *vide* order dated 09.02.2023 at request of both the parties had referred the present matter to Delhi High Court Mediation and Conciliation Centre. The relevant part of the said order is reproduced as under:

“.....14. At this stage, Mr. Hariharan, learned counsel for the petitioner and Ms. Singh, learned counsel for the complainants, submit that the parties would be willing to explore the possibility of an amicable settlement of their inter-se disputes through mediation under the aegis of the Delhi High Court Mediation & Conciliation Centre.

15. Accordingly, parties are referred to mediation before the Delhi High Court Mediation & Conciliation Centre, with a request to the learned Organizing Secretary to appoint a senior mediator in the matter.

16. Let the parties approach the Mediation Centre on Tuesday i.e., 14th February 2023 at 02:30 p.m. for the purpose.....”

5. Thereafter, series of mediation sessions took place between both the parties and finally they had amicably and out of their own free will agreed to settle the matter by way of a settlement agreement dated 17.10.2023, before the Delhi High Court Mediation and Conciliation Centre.

6. This Court has also gone through the settlement agreement dated 17.10.2023 wherein it has been mentioned that both the parties have agreed to settle all their disputes including the present FIR



bearing No. 007/2023 registered at Police Station New Friends Colony, Delhi for offences punishable under Sections 354/509 of the Indian Penal Code, 1860 (*IPC*) read with Section 3(1)(x) of the SC & ST Act. In the said agreement it has been agreed that the First Party i.e., M/s Cheshires Home India – Delhi Unit on request of the Second Party i.e., respondent nos. 2 to 9 has floated a Voluntary Separation Scheme (*'VSS'*) for its employees. Under the said scheme, the employees may voluntarily leave the services of the first party. It is further stated in the said settlement agreement that the Second Party i.e., respondent nos. 2 to 9 have expressed their desire to apply for VSS from the services of the First Party. The First Party has provided the facility of the residential quarters/accommodation to the Second Party during their course of employment with the First Party. Whereas the First Party has agreed to pay an amount of Rs 15,00,000/- (i.e., Rupees Fifteen Lakhs Only) in the name of Second Party subject to a statutory tax deduction and the Second Party has agreed to accept the same towards full and final settlement of all their claims including statutory claims, bonus, gratuity and also ex-gratia payment in lieu of their tenure of service with the First Party subject to hand over of vacant and peaceful possession of the residential quarter(s)/accommodation provided to Second Party i.e., respondent nos. 2 to 9 herein.

7. On a query made by this Court, respondent nos. 2,3,6,7 and 8 who have been identified by the IO, have categorically stated that they have entered into compromise out of their own free will and without any pressure, coercion or threat. It is also stated by the



respondent nos. 2,3,6,7 and 8 that the entire dispute has been amicably settled between them *vide* Settlement Agreement dated 17.03.2023 and they have no objection, if the FIR in question is quashed. It is further submitted that the respondent nos. 2,3,6,7 and 8 have been given their respective demand drafts by the First Party on 22.09.2023, 07.12.2023 and 18.03.2024. Thereafter, the said respondents have vacated the premises of M/s Cheshires Home India in accordance with the said settlement deed dated 17.10.2023. The copies of the demand drafts are placed on record and have been perused by this Court.

8. However, this Court notes that 5 out of the 8 respondents have collected their respective demand drafts and thereafter, have peacefully handed over the possession of their respective residential quarters/accommodation to the office bearers of the Applicant/Trust i.e., M/s Cheshire Home, India, Delhi Unit. Meaning thereby, only respondent nos. 2,3,6,7 and 8 herein have honored the settlement agreement dated 17.10.2023. Whereas, respondent no. 4, 5, and 9 have opted out of the settlement agreement and are not willing to comply with the same accordingly separate Contempt Proceedings bearing CONT.CAS (C) –356/2024 have been filed against the said contemnors i.e., respondent nos. 4, 5 and 9 herein.

9. In view of the above fact that respondent nos. 2,3,6,7 and 8 have amicably resolved their differences of their own free will, and without any coercion, with the petitioner herein, no useful purpose will be served by continuing the proceedings in that relation, rather the same would create further acrimony between the parties. It would thus be in interest of justice to *partially* quash the abovementioned



FIR and the proceedings emanating therefrom in relation to respondent nos. 2,3,6,7 and 8. Meaning thereby that the said respondents who are complainants in the alleged FIR bearing No. 007/2023 withdraw their respective complaints. Thus, there is no legal impediment in quashing the FIR in question with respect to respondents no. 2,3,6,7 and 8.

10. Accordingly, FIR bearing No. 07/2023, registered at Police Station New Friends Colony, Delhi for offences punishable under Sections 354/509 of Indian Penal Code, 1860 (‘IPC’) read with Section 3(1)(x) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989) (SC & ST Act), and all consequential proceedings emanating therefrom are partially quashed *qua* the petitioner and respondents no. 2,3,6,7 and 8 withdraw their respective complaints.

11. In view of above, the present petition stands disposed of, along with pending applications if any.

CONT.CAS(C) 356/2024

12. By way of the present contempt petition filed under Article 215 of the Constitution of India read with Section 12 of the Contempts of Courts Act 1971, the petitioner seeks initiation of contempt proceedings against the respondents/contemnors of the terms of the Settlement Agreement Dated 17.10.2023 executed between the concerned parties at Delhi High Court Mediation & Conciliation Centre.



13. It is the case of the petitioners that respondent/contemnor nos. 1, 2 and 3 herein have opted out of the settlement agreement dated 17.10.2023 executed between the concerned parties at Delhi High Court Mediation & Conciliation Centre.

14. This Court in the above disposed of Writ Petition (CRL.) 316/2023 has noted in para no. 7 that respondent nos. 4, 5 and 9 in W.P. (CRL.) 316/2023 have opted out of the settlement agreement executed between the concerned parties at Delhi High Court Mediation & Conciliation Centre who are respondent nos. 1, 2 and 3 herein.

15. Thus, in view of the same, let this matter be listed before the concerned Roster Bench on 14.05.2024 for further necessary action, subject to orders of Hon'ble the Acting Chief Justice.

16. The judgment be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

MAY 2, 2024/ns