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

+ **CRL.M.C. 3983/2024**

GAURAV PURI & ANR.

..... Petitioners

Through: Ms. Ridam Arora & Mr. Shivom
Sethi, Advocates alongwith
petitioners in person.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Hemant Mehla, APP for the State
with Ms. Mridul Sharma, Advocate.
SI Mandeep Kumar, P.S. Punjabi
Bagh.
Ms. Niti Khanna, Advocate alongwith
complainant and her *bua*/Ms. Kiran.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

16.05.2024

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1. The present petition under Section 482 of the Cr.P.C. seeks quashing of FIR No. 176/2024, under Sections 3 read with section 14 of the Child Labour (Prohibition and Regulation Act), 1986 and Section 79 of the Juvenile Justice (Care and Protection of Children Act), 2000, registered at P.S. Punjabi Bagh, Delhi.

2. Learned counsel appearing on behalf of the petitioners submits that respondent no. 2 was working as house help with the petitioners through a placement agency and on account of some miscommunication between respondent no. 2 and her *bua*, Ms. Kiran, the complaint was filed before the concerned police station resulting in the registration of the present FIR. It is submitted that thereafter the parties have now entered into Memorandum of



Understanding *vide* settlement/agreement dated 16.04.2024 for total amount of Rs. 4,90,000/-. In pursuance of which, respondent no. 2 has no objection, if the present FIR is quashed.

3. In view of the aforesaid settlement, *vide* order dated 18.04.2024, the Child Welfare Committee has closed the case. The said order records as under:

“Child Mamta submits that she has received the part payment of her due backwages from the employer and she has withdrawn the complaint under her own will without any force or coercion from anyone concerned.

This Committee specifically asked her in person if her withdrawal is under any threat or pressure. Same is also confronted from her Bua ji. However, both have endorsed that they are satisfied with mutual agreement made between them and employer. At this stage before proceeding further this Committee decided to first declare the child's age on date production. Hence, as per school record submitted by child Mamta's Bua only is considered as admitted by both child as well as her Bua ji. Hence, Child Mamta's DOB is declared as 01.09.2005.

Therefore, on day of production of child Mamta she is declared major as per JJ Act. Further, the deposition before this Committee today is considered as deposition made by major.

Also, the period of work for which this Committee may proceed for recovery of backwages is considered as 26.03.2022 to 30.08.2023. However, during this period also, she was above 14 years.

Further, employer produced copy of agreement made while placing Mamta for domestic work of the registered placement agency, where, her age is mentioned as 19 years. According to employer original copy is submitted to the IO in FIR No. 176/24 PS - Punjabi Bagh. However, same is not disputed by Mamta as well as her Bua. Hence, it seems that the placement agency didn't follow the proper procedure as per law.

In above circumstances r/w submitted "Memorandum of Understanding" this Committee has limited jurisdiction as to address the concern of backwages. if any pending in the interest of child and her rehabilitation. Here, on day of production Mamta was major.

Further, she has withdrawn her complaint in person without any coercion or pressure from anyone concern. Hence, this Committee discussed the status in light of Section - 2 (14) of JJ Act and finds it appropriate to close the case and file be consigned to record room.”



4. Petitioners and complainant/respondent no. 2 alongwith her *bua* are present before the Court and have been duly identified by their respective counsel, as well as the Investigating Officer, SI Mandeep Kumar, P.S. Punjabi Bagh.
5. As per the settlement, an amount of Rs. 2,90,000/- has already been paid to respondent no. 2 and the remaining amount of Rs. 2,00,000/- by way of a demand draft has to be paid today.
6. A demand draft bearing no. 873022, dated 16.04.2024, for Rs. 2,00,000/- drawn on Yes Bank Ltd. has been handed over to the complainant/respondent no.2, who acknowledges the receipt of the same.
7. The complainant/respondent no.2 alongwith her *Bua*, Ms. Kiran, states that the matter has been settled with the petitioners voluntarily without any force and coercion and states that she has no objection if the FIR is quashed. She further states that all the terms of the agreement have been complied with.
8. The Investigating Officer present in Court today confirms the proceedings of the Child Welfare Committee as well as settlement arrived at between the parties.
9. Learned APP for the State submits that investigation in the present FIR is pending and chargesheet is yet to be filed. In view of the settlement between the parties, learned APP for the State also has no objection if the present FIR is quashed.
10. In *Gian Singh v. State of Punjab*, (2012) 10 SCC 303, the Hon'ble Supreme Court has recognized the need of amicable resolution of disputes by observing as under:-



“61. ... In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

11. In view of the aforesaid circumstances, and the fact that the parties have put a quietus to the dispute, no useful purpose will be served in continuing with the present FIR No. 176/2024, under Sections 3 read with section 14 of the Child Labour (Prohibition and Regulation Act), 1986 and Section 79 of the Juvenile Justice (Care and Protection of Children Act), 2000, registered at P.S. Punjabi Bagh, Delhi.

12. In the interest of justice, the petition is allowed, and the FIR No. 176/2024, under Sections 3 read with section 14 of the Child Labour (Prohibition and Regulation Act), 1986 and Section 79 of the Juvenile Justice (Care and Protection of Children Act), 2000, registered at P.S. Punjabi Bagh, Delhi, is hereby quashed.

13. Petition is allowed and disposed of accordingly.

14. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

MAY 16, 2024/bsr

Click here to check corrigendum, if any