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

+ CRL.M.C. 3055/2025

JAYANT BUDHIRAJA

.....Petitioner

Through: Mr.Udayan Khandelwal, Advocate
with petitioner in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Ms. Piyanka Dalal, APP for State
Mr.AbhishekTewathia, Advocate for
R-2 with respondent No.2 in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

06.08.2025

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1. The petitioner herein seeks quashing of the FIR No. 997/2015 dated 31.08.2015, initially under Sections 23 and 26 of the Juvenile Justice Act ("the Act"), registered at Police Station KM Pur, on the basis of a compromise arrived at between the parties, but subsequently only section 23 was invoked in the chargesheet.

2. Case set up by the petitioner herein, to which there is no opposition is, that in 2011, the Petitioner contacted Mahabir of Leelawati Placement Agency, Kotla Mubarakpur, Delhi, to hire domestic help for his Noida residence. In April 2011, Mahabir sent Radhika as a replacement for Kali (earlier domestic help), assuring she was more than 16 years of age. On meeting her, the Petitioner realised she appeared younger and requested Mahabir to return her to her parents, but Mahabir gave repeated false assurances.

2.1 Between April and July 2011, as Mahabir failed to act, the Petitioner sought Radhika's parents' contact details, which were refused.



Subsequently, Radhika's mother, Smt. Mala, after persuasion, agreed to come to Delhi. The Petitioner sent her a money order for travel, handed over Radhika's custody at Connaught Place, and paid additional amounts for travel and Radhika's stay with his family.

2.2 On 11.01.2016, the Petitioner learnt of FIR No. 997/2015 registered at PS Kotla Mubarakpur and the chargesheet dated 31.08.2015 naming him as an accused. *Vide* order dated 12.11.2024, this Hon'ble Court dismissed Crl M.C. No. 6230/2018 challenging the framing of charges.

2.3 On 19.04.2025, without prejudice to his rights and contentions and without admitting the prosecution's case, the Petitioner entered into a settlement with Respondent No.2.

3. Though, per contra, prosecution case, per FIR, is that the complainant, mother of respondent no.2 and her husband, both daily wage laborers with eight children, sent their 15-year-old daughter Radhika (respondent no.2) to her maternal aunt in KM Pur due to financial hardship. Later, through co-accused Mahabir, Radhika was placed as domestic help in Shastri Nagar for an agreed salary of ₹3,500 per month. Only the first year's wages were paid; for the next three years, no wages were given, and the family was denied contact with her. On 25.08.2015, the complainant, with Ms. Malika Vij, approached AHTU/SD alleging torture by the employer (petitioner/accused). Inquiry revealed Radhika had been employed through a placement agency in KM Pur. She was produced before CWC, South on 27.08.2015. it is the CWC which then lodged the impugned FIR.

4. Learned counsel for the petitioner submits that the petitioner was charged under Section 23 of the Act, and charges were framed *vide* order dated 29.10.2018. However, charges under Section 26 of the said Act were



dropped against the petitioner, as the learned Trial Court found no *prima facie* case made out under that provision.

5. The parties have now amicably settled the matter *vide* MOU/ Compromise Agreement dated 19.04.2025, duly signed by both, the petitioner and respondent no.2 (now a major, 28 years old). Respondent no.2 has also furnished a no-objection affidavit to quashing of the FIR in question, which has been placed on record.

6. In the aforesaid backdrop, I have the learned counsels appearing for the petitioner, respondent no.2 (now a major) and the learned APP.

7. Learned counsel for the petitioner would argue that no offence under Section 23 of the JJ Act is made out against the Petitioner, as there has never been any complaint or allegation of assault, abandonment, exposure, or wilful neglect of the juvenile against him. No evidence of wrong doing has been found; on the contrary, there is evidence of the Petitioner's fair, bona fide, and praiseworthy conduct towards the child and her mother. That upon suspecting that Respondent No.2 might be younger than represented by the placement agency, the Petitioner voluntarily arranged to send her back safely to her mother, prioritizing her safety and welfare.

7.1 That the Respondent No.2 (victim) has already given her no-objection to the quashing of the impugned FIR, and the essential ingredients of Section 23 of the JJ Act or of any other offence are not attracted.

7.2 That petitioner's conduct remained exemplary, as seen from his efforts in restoring Radhika to her mother at the earliest, even providing financial assistance for the mother's travel to Delhi NCR, their return journey, and their stay during this period.



8. While on the other hand learned APP also does not dispute the facts as enumerated in the preceding para and the compromise between the parties.

9. I have interacted with the complainant as well as respondent no.2, who is present in Court today. Respondent no.2, who was a minor at the time of the incident is now stated to be 28 years of age, fully aware of her rights, affirms that she does not dispute the factum of the settlement dated 19.04.2025 which is on her own will and free of any duress or coercion.

10. Upon a query put to respondent no.2, she submits that she does not wish to pursue or press any charges against the petitioner. She states that the allegations had been levelled at the relevant time due to a misunderstanding between her mother and the petitioner. She further states that she has not suffered any victimization at the hands of the petitioner and that the settlement has been arrived at of her own free will, without any duress, pressure, or coercion from any quarter.

11. Having heard the parties and considering the nature of the dispute, it is evident that the matter is essentially private in character and does not involve any public or societal interest. In view of the interaction with the victim and her statement on record, continuation of the criminal proceedings would serve no useful purpose. Rather, it would amount to an abuse of the process of law, besides causing unnecessary burden on the judicial system and wasteful expenditure of public resources by the prosecution.

12. Moreover, there is no *mens rea* on the part of the Petitioner, who was unaware of the minor status of Respondent No.2 and relied on the placement agency's representations. Hence no criminal intent can be attributed. Penal sections have been thus wrongly invoked against him.



13. The Petitioner acted in good faith and ensured safety and well-being of the then juvenile by returning her to her family with financial support, reflecting lack of wrongful intent.

14. Furthermore, continuing the prosecution when the complainant herself has no grievance would waste judicial time and resources, unnecessarily burdening the system and would be an abuse of process of law.

15. In light of the above, and with a view to enable the parties to maintain mutual cordiality and promote peace rather than hostility, this is a fit case to exercise the inherent powers under 528 of BNSS in quashing the FIR in question. Reference in this context may also be made to the judgment in ***Gian Singh v. State of Punjab &Anr., [(2012) 10 SCC 303]***.

16. Accordingly, the petition is allowed and the FIR No. 997/2015 dated 31.08.2015, under Sections 23 and 26 of the Juvenile Justice Act, registered at Police Station KM Pur, along with all consequential proceedings arising therefrom is hereby quashed.

17. The petition stands disposed of.

ARUN MONGA, J

AUGUST 6, 2025/HD/SV