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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3091/2024, CRL.M.A. 29921-29922/2024 & CRL.M.A. 30932/2024

SUNIL KUMAR AND ANR

.....Petitioners

Through: Mr. Praveen Suri and Ms. Amol Kaur,
Advocates

versus

THE GOVT OF NCT OF DELHI AND ANRRespondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. SI Deepak Vashist

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+ W.P.(CRL) 3100/2024, CRL.M.A. 29972-29973/2024, CRL.M.A. 30992-30993/2024

SUNIL KUMAR AND ANR

.....Petitioners

Through: Mr. Praveen Suri and Ms. Amol Kaur,
Advocates

versus

STATE OF DELHI AND ANR

.....Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC with
Mr. SI Deepak Vashist

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

17.11.2025

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1. Writ petitions have been filed under Article 226 and 227 of the Constitution of India have been filed to challenge the orders dated 01.01.2024 and 24.07.2024 passed by the Child Welfare Committee *vide* which it has



directed the Petitioners to pay back wages of Rs. 4,98,000/- to the child “S” for the period of 1.3 years from 07.02.2022 till 27.04.2023 during which period she had served in their house as a maid, and also for the quashing of the FIR No. 235/2023 dated 05.06.2023 registered with Police Station Vikaspuri, New Delhi under Section 374 IPC and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and all the proceedings emanating therefrom.

2. The **brief facts** of the case are that Petitioners who are husband and wife and residing at J-95, Vikaspuri, New Delhi and had two daughters, namely Ms. Ankita Sardana and Ms. Anshul Sardana. The elder daughter has got married and had to go to Doha, Qatar after the delivery. The younger daughter was not well and they required some help for which they contacted various agencies like M/s Bulbul Enterprise which is owned by Ms. Munia from the office at Shakarpur, Anand Vas, Delhi: 110034 who made available young girl Ms. “S” from Jharkhand who was engaged *vide* Contract dated 07.02.2022 for which the Petitioners paid a commission of Rs. 40,000/- to the agency. The girl was made available along with her UIDAI cards.

3. As per the request of maid, an amount of salary was agreed between them as Rs. 6,000/- in addition to shelter, clothing and food by the Petitioners. The salary was being given to the parents as and when they visited the residence. She was also given gold earrings on the birth of their elder daughter of the Petitioners. The tenure of the maid was renewed *vide* Agreement dated 12.02.2023 with a salary of Rs. 7000/- in addition to other perks as mentioned earlier.

4. The Petitioners claimed that they were treating the maid as a member of the family. She was initially a raw hand but was taught the work either by the



Petitioner no. 2 or the elder daughter of the Petitioners. She used to be given a break of two hours in the afternoon and also used to play with the newly born child, and work 4 to 6 hours per day.

5. On 28.04.2023, certain persons claiming to be real uncle and Bua came to the premises and forcefully took away the maid claiming that she was a minor. One of the persons who came was a member of NGO Renu Tora who had accompanied the relatives and the police officials.

6. The Petitioners and everyone in the house were surprised and tried to make them understand that she was being taken care of and was not a minor. Despite that, FIR No. 235/2023 in Police Station: Vikaspuri, Delhi under Section 374 IPC and under Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 was registered.

7. Petitioners were served with notice under Section 41-A Cr.P.C. and they joined the investigations. Petitioners received a Notice dated 01.01.2024 from the Respondent No.2/CWC stating that the child girl had worked as a maid for 1.3 years from 07.02.2022 till 07.04.2023 and that the salary had not been paid. A detailed Reply dated 10.01.2024 was filed by the Petitioners explaining that as per the Aadhar card reflecting that the maid was a major on the date of employment. However, CWC without any basis passed impugned Order dated 24.07.2024 directing a payment of Rs. 4,98,300/- within 15 days as the salary of the maid.

8. The Petitioners have asserted that they filed an application for modification of this order. The same has not been considered. Therefore, the Petitioners have approached this Court for quashing of the Order as well as the FIR.

9. The main **grounds** for challenge are that the Respondent No. 2 had no



jurisdiction to pass the impugned Order and has no jurisdiction to entertain the FIR as well. It is further submitted that the maid was well taken care by the petitioners and had been duly given gifts etc.

10. The prayer is thus made for quashing of the impugned Order dated 24.07.2024 and for the quashing of the FIR.

11. Learned Counsel has appeared on behalf of the child who has also been produced today from Nirmal Chhaya Complex Hari Nagar, Jail Road, New Delhi/ CWC. The child is present today in the Court and submits that she wants to go back to her parents in Jharkhand. But she is unable to go because of the Order of CWC which has restrained her from being repatriated to her parents on account of the pendency of the FIR. It is further submitted that Rs. 1,25,000/- has already been paid in her account which has been duly received by her.

12. Learned Counsel for the Petitioner submit that Rs. 40,000/- twice had been paid to the agency for engaging the services of the maid. On calculation of the salary of the child and the amount that has been received, the child who is now above 18 years accepts additional Rs. 75,000/- towards her salary. She submits that she has no objection if the FIR is quashed. Accordingly, the amount has been transferred today through RTGS to the account of the child.

13. Considering the interest of the child who is being unnecessarily retained in Delhi even though she wants to go to back to her parental home, and also in the totality of the circumstances, the impugned Orders dated 01.01.2024 and 24.07.2024 and FIR No. 235 / 2023 dated 05.06.2023 registered with Police Station Vikaspuri, New Delhi under Section 374 IPC and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and all the proceedings emanating therefrom are hereby quashed.



14. The writ petitions along with pending applications stand disposed of.

NOVEMBER 17, 2025/neha

NEENA BANSAL KRISHNA, J.