

IN THE HIGH COURT OF DELHI

+ CrI.M.C. No.3044/2009

Date of decision: 8th September, 2009

Ramesh Gupta ... Petitioner
through: Mr. H.L. Verma, Adv.

VERSUS

State & Another Respondents
through: Mr. U.L. Watwani, APP for the State.
Mr. Vishva Wadhwa and Mr. Diwakar Sinha, Adv. for the
respondent no.2/NDPL with Mr. Rohit Sharma, Asstt.
Manager(Legal)

CORAM:

HON'BLE MS. JUSTICE GITA MITTAL

1. Whether reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

GITA MITTAL, J(Oral)

1. By this petition, the petitioner Sh. Ramesh Gupta seeks quashing of the proceedings arising out of FIR No.53/06 registered by the police station Keshav Puram under section 135/138 of the Electricity Act, 2003 and section 379 of the Indian Penal Code.
2. It has been contended that based on an inspection report dated 3rd July, 2004 by the North Delhi Power Limited/respondent no. 2 herein, police station Keshav Puram registered the said case on 24th January, 2006. On completion of investigation, challan stands filed and the matter is pending before the concerned court.

3. The petitioner had assailed the inspection report as well as a theft bill which was raised upon him by the respondent no. 2 by way of a Writ Petition(Civil) No. 8463/2006 which was disposed of by an order passed on 16th October, 2006. Both parties assailed the judgment of the learned Single Judge before the Division Bench.

4. While the matter was pending before the Division Bench, the parties arrived at a settlement on 29th March, 2009 before the Mega Lok Adalat. The terms of the settlement which were reached between the parties were duly signed by the petitioner on the one hand and the authorised representative of the respondent before the Mega Lok Adalat and have been placed before this court. In terms thereof, it was agreed that the respondent no. 2 would submit a revised bill to the present petitioner within ten days, as per the orders in W.P.(C) No. 8463/2006 and the petitioner would pay 25% of the revised bill within 30 days thereof.

5. Based thereon, the respondent No. 2 is stated to have raised a bill for an amount of Rs.14,48,944/-. The respondent no. 2 informed by a communication dated 23rd June, 2009 that the liability of the petitioner in terms of this revised bill and the settlement would be to the tune of Rs.3,62,636/-.

6. Before this court, it is admitted on behalf of the respondent no. 2 that the petitioner has paid this amount in terms of the settlement. In view of the above settlement and the payment having been made in terms thereof, the petitioner has prayed for quashing of the proceedings which arise out of FIR No.53/06. Respondent no. 2 also contended that it would not be interested in of the prosecution. For all the foregoing reasons, it is evident that no fruitful purpose would be served by keeping the proceedings pending.

Accordingly, it is directed that all proceedings arising out of FIR No.53/06 registered by he police station Keshav Puram under section 135/138 of the Electricity Act, 2003 and section 379 of the Indian Penal Code shall stand quashed.

This petition is allowed in the above terms.

Dasti to parties

Gita Mittal, J.

September 08, 2009
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