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

+ CRL.M.C. 3602/2011

PURN MAL Petitioner
Through Mr.H.L.Verma, Adv.

versus

STATE & ANR Respondents
Through Mr.Vishva Wadhwa, Adv. for R-2
Mr.Sunil Sharma, APP

CORAM:
HON'BLE MR. JUSTICE V.K. SHALI

ORDER

03.11.2011

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1. This is a petition for quashing of FIR no.134/2011, u/S 135/138/140 of Electricity Act, 2003 read with Section 201 IPC registered by P.S. Naraina.
2. It has been contended by the learned counsel for the petitioner that the petitioner has settled the matter with the service provider/respondent no.2 by paying a lump sum amount of Rs.25,060/- inasmuch as the bill for a sum of Rs.29,433/- was raised after inspecting the premises in question. Copy of the bill for a sum of Rs.29,433/- is placed at page no 10 and the receipt of the amount which has been paid, is placed at page 11. It is further contended since the matter is very **insignificant** and there was no intention on the part of the petitioner to commit the theft or fraudulent abstraction of electricity, therefore, in the

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interest of justice, the aforesaid FIR and the consequent proceedings be quashed.

3. Mr.Wadhwa, Advocate put in appearance on behalf of the respondent no.2/service provider on account of an advance notice having been served on him, ~~He~~ has made a statement at bar that he has no objection in case the aforesaid FIR is quashed on account of the fact that the petitioner has paid a sum of Rs.25,060/- towards the full and final settlement of the bill.
4. The learned APP is also present in response to an advance copy having been served on him and has contested the plea for quashing of the aforesaid FIR by referring to the allegations made by the complainant in the FIR, which shows that the petitioner had deliberately removed the electric meter, either himself or through his authorized representative, so that the offence is not detected.
5. It is further contended since it is a case of destruction of evidence and the case is still at the investigation stage, therefore, in the fitness of things, the FIR may not be quashed.
6. I have carefully considered the respective submissions of all the parties.
7. Since the bill which has been raised by the respondent no.2 shows that the amount of Rs.1906/- has already been levelled

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on account of the cost of the meter while settling the matter, which implies that the amount of Rs.25,060/- which has been paid in lump sum by the petitioner to the respondent no.2 takes care of the cost of the meter also. Since the tentacles of the fraudulent abstraction of electricity are not very large, I feel that no useful purpose would be served by keeping the aforesaid FIR and the consequent investigation against the present petitioners pending.

8. Accordingly, in the interest of justice, FIR no.134/2011, u/S 135/138/ 140 of Electricity Act, 2003 read with Section 201 IPC registered by P.S. Naraina and the consequent investigation which is carried out by the respondent no.1 are quashed.
9. Parties to bear their own costs.


V.K. SHALI,J

NOVEMBER 03, 2011

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