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

Judgment delivered on: 14th December, 2015

+ CRL.M.C. 4770/2015

RAFI AHMAD @ HAZI RAFIQ Petitioner

Represented by: Mr. Shivom Garg, Adv.

versus

STATE & ANR Respondents

Represented by: Mr. Amit Chadha, APP for
State with HC. Jagjivan Ram, PS-Lajpat Nagar.
Mr. Deepak Pathak, Adv. for R2/BSES RPL.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

+ **CRL.M.C. 4770/2015**

1. By way of the present Petition filed under Section 482 Cr.P.C. petitioner seeks directions thereby quashing of FIR No. 1216/2014 registered at PS-Amar Colony for the offence punishable under Section 135 of Indian Electricity Act and consequential proceedings emanating therefrom against him.

2. Learned counsel appearing on behalf of the petitioner submits that the aforesaid case was registered against the petitioner on the complaint of respondent No.2, i.e., BSES Rajdhani Power Ltd. on account of direct theft of electricity from BSES Bus bar with the help of illegal wire and using the electricity illegally. Thereafter, the matter has been settled between the parties and the petitioner paid the total dues raised by respondent no.2. Thus, respondent no.2 does not want to pursue the case further against him.

3. Ld. Counsel named above appearing on behalf of the respondent no.2 on instructions does not dispute the submissions made by counsel for the petitioner and submits that the matter has been settled between the parties and the petitioner has paid the total amount raised by respondent no.2 and nothing due against him. He further submits that a 'No Due Certificate' to this effect has been issued to the petitioner. Thus, respondent no. 2 has no complaint whatsoever against the petitioner and if the present petition is allowed, the said respondent has no objection.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that after investigation, police has filed the chargesheet, charges framed and the case is pending for prosecution evidence. Since, the matter has been settled between the parties and the petitioner has paid all the dues raised by the respondent no. 2 and a 'No Dues Certificate' to this effect has been issued to the petitioner, the State has no objection, if the present petition is allowed.

5. Keeping in view the settlement arrived at between the parties, statement of respondent no.2 and ld. APP for the State, FIR No. 1216/2014 registered at PS-Amar Colony for the offence punishable under Section 135 of Indian Electricity Act and consequential proceedings emanating therefrom are hereby quashed against the petitioner.

6. Accordingly, the petition is allowed.

Crl. M.A. 18318/2015 (for Stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

DECEMBER 14, 2015/jg