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

Judgment delivered on: 30th November, 2015

+ CRL.M.C. 4687/2015

AMIT YADAV & ANR.

..... Petitioners

Represented by: Mr. H.K. Panda, Adv.
with petitioners in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR..... Respondents

Represented by: Mr. Mukesh Kumar,
APP for State with ASI Prabhakaran,
PS Chhawla.

Mr. Deepak Pathak, Adv. for R2/
BSES&RPL.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. By way of the present Petition filed under Section 482 Cr.P.C. petitioners seek directions thereby quashing of FIR No. 281/2013 registered at PS Chhawala, New Delhi for the offence punishable under Section 135 of Indian Electricity Act and consequential proceedings emanating therefrom against them.

2. Learned counsel appearing on behalf of the petitioners submits that the aforesaid case was registered against the petitioners on the complaint of respondent No.2, i.e., BSES Rajdhani Power Ltd. on account of direct theft of electricity committed by them and using the electricity illegally by drawing the same dishonestly for domestic purpose. Thereafter,

petitioners paid the total amount raised by respondent no.2. Thus, respondent no.2 does not want to pursue the case further against them.

3. Ld. Counsel appearing on behalf of the respondent no.2 submits that this matter was listed on 20.11.2015. Since on that date proxy counsel appeared on behalf of R-2 who had no instructions to make statement on behalf of R-2. Therefore, this case was listed for today. Ld. Counsel appearing on behalf of R-2, on instructions states that he does not dispute the submissions made by counsel for the petitioners and submits that petitioners have paid the total amount raised by respondent no.2 and nothing remains due against them. They have no complaint whatsoever against the petitioners and if the present petition is allowed, they have no objection.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that after investigation, police has filed the chargesheet, however, the charges are yet to be framed. Since, the matter has been settled between the parties and the petitioners have paid all the dues raised by the respondent no. 2, 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. 281/2013 registered at PS Chhawala, New Delhi for the offence punishable under Section 135 of Indian Electricity Act and consequential proceedings emanating therefrom are hereby

quashed against the petitioners.

6. Accordingly, the petition is allowed.

**SURESH KAIT
(JUDGE)**

**NOVEMBER 30, 2015
RS**