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

Judgment delivered on: 27th November, 2015

+ CRL.M.C. 4769/2015

HOSHIYARI DEVI & ORS.

..... Petitioners

Represented by: Mr. D.P. Tripathi and Mr. Y.S.
Chauhan, Advs. with petitioners in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Represented by: Ms. Meenakshi Chauhan, APP
for State with SI Shyam Sunder, PS-Sector 23,
Dwarka.

Mr. Deepak Pathak, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A.17208/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **CRL.M.C. 4769/2015**

1. Notice issued.

2. Ld. APP and Id. Counsel named above accept notice on behalf of respondent nos. 1 and 2 respectively.

3. With the consent of the parties, present petition is taken up for final disposal.

4. By way of the present Petition filed under Section 482 Cr.P.C. petitioners seek directions thereby quashing of FIR No. 128/2012

registered at PS-Sector 23, Dwarka for the offence punishable under Section 135 of Indian Electricity Act and consequential proceedings emanating therefrom against them.

5. 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.

6. Ld. Counsel appearing on behalf of the respondent no.2 on instructions 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 due against them. They have no complaint whatsoever against the petitioners and if the present petition is allowed, they have no objection.

7. 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.

8. Keeping in view the settlement arrived at between the parties, statement of respondent no.2 and ld. APP for the State, FIR No. 128/2012 registered at PS-Sector 23, Dwarka for the offence punishable under

Section 135 of The Electricity Act and all proceedings emanating therefrom are hereby quashed against the petitioners.

9. Accordingly, the petition is allowed.

**SURESH KAIT
(JUDGE)**

NOVEMBER 27, 2015

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