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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 18th February, 2016

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CRL.M.C. No.310/2016

KASHMIR SINGH & ORS

..... Petitioners

Represented by: Mr.Pawan Sharma &
Mr.Ravinder Singh, Advs
with petitioners.

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr.Satya Narain
Vashisht, APP for the
State with SI Rakesh, PS
Sarita Vihar, New Delhi
for R1.
Ms.Jaspreet Aulak,
Mr.Deepak Jain, &
Ms.Aditi Tomar, Advs for
R2/BSES.

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.573/2007 registered at police station Sarita Vihar, New Delhi for the offence punishable under Section 135 of the 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 for the offences punishable under Sections 353/186/342/334/506/34 of the IPC and Section 135 of the Indian Electricity Act. After the investigation, initially police has filed two charge sheets and thereafter, pursuant to the order passed by learned Metropolitan Magistrate, the case was bifurcated and one charge sheet was sent to the Court of learned Special Judge, Electricity Act for the offence punishable under Section 135 of the Electricity Act.

3. In the present case, petitioners seek only quashing of the charge sheet filed under Section 135 of the Electricity Act on the ground that the matter has been settled between the parties and petitioners have made payment of entire settled amount to respondent No.2. Thus, respondent no.2 does not want to pursue the case further against them.

4. Pursuant to the order dated 27.01.2016, learned counsel appearing on behalf of respondent No.2 submits that she has the instructions from her client that petitioners have paid the amount as per settlement and nothing due against him. She further submits that a 'No Due Certificate' to this effect has been issued to the petitioners. Thus, respondent No.2 has no complaint whatsoever against the petitioners and, if the present petition is allowed, the said respondent has no objection.

5. Learned Additional Public Prosecutor appearing on behalf of the State submits that after investigation, police has filed the chargesheet for the offence punishable under Section 135 of the Electricity Act and after framing of charges, matter is pending trial in the learned Trial Court. Since, the matter has been settled between the parties and the

petitioners have paid all the dues raised by the respondent No.2 and a 'No Dues Certificate' to this effect has been issued to the petitioners, the State has no objection, if the present petition is allowed.

6. Keeping in view the settlement arrived at between the parties, statement of learned counsel for respondent No.2 and learned APP for the State, FIR No.573/2007 registered at PS-Sarita Vihar for the offence punishable under Section 135 of the Indian Electricity Act only & consequential proceedings emanating therefrom are hereby quashed against the petitioners.

7. Needless to state that this order shall not have any bearing on the pending charge-sheet for the offences punishable under various Sections of the IPC under the same FIR.

8. Accordingly, the petition is allowed with no order as to cost.

9. Order *dasti*.

Crl.M.A.No.1378/2016 (Stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

FEBRUARY 18, 2016

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