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

Judgment delivered on: 5th February, 2016

+ CRL.M.C. 510/2016

RAMPHAL

..... Petitioner

Represented by: Mr. Vijender Singh, Adv.

Versus

STATE (GOVT NCT OF DELHI) & ANR

..... Respondents

Represented by: Mr. Satya Narayan Vashishth,
APP for State with ASI Tej Ram, PS-Nazafgarh.
Mr. Deepak Pathak, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A. 2106/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **CRL.M.C. 510/2016**

1. By way of the present Petition filed under Section 482 Cr.P.C. petitioner seeks directions thereby quashing of FIR No. 221/2013 registered at PS-Nazafgarh for the offence punishable under Section 135 of the 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 committed by him and using the electricity illegally by drawing the same dishonestly for domestic purpose. Thereafter, the matter has been settled between the parties and the petitioner has paid the settlement amount in favour of respondent no.2. Thus, respondent no.2 does not want to pursue the case further against him.

3. Ld. Counsel appearing on behalf of the respondent no.2 on instructions from the respondent no.2 / company 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 settlement amount in favour of the respondent no.2 and 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, however, the charge is yet to be framed. Since, the matter has been settled between the parties and the petitioner has paid the settlement amount 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 counsel for respondent no.2 and ld. APP for the State, FIR No. 221/2013 registered at PS-Nazafgarh for the offence punishable under Section 135 of the Indian Electricity Act and consequential proceedings emanating therefrom are hereby quashed against the petitioner.

6. Accordingly, the petition is allowed.

**SURESH KAIT
(JUDGE)**

FEBRUARY 05, 2016

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