

\$~12

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

Judgment delivered on: 12th February, 2016

+ **CRL.M.C. 592/2016**

MAHINDER & ANR

..... Petitioners

Represented by: Mr.Rakesh Kumar, Adv with
petitioners.

versus

THE STATE NCT OF DELHI & ANR

..... Respondents

Represented by: Mr.Satya Narain Vashisht,
APP with ASI Pritam Singh,
PS Ambedkar Nagar for the
State/R1.
Ms.Mithu Jain & Mr.Sunil
Fernandis, Advs for
BSES/R2.

**CORAM:
HON'BLE MR. JUSTICE SURESH KAIT**

SURESH KAIT, J. (Oral)

Crl.M.A. No.2498/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

Crl. M.C. No.592/2016

1. By way of the present petition filed under Section 482 Cr.P.C. petitioners seek directions thereby quashing of FIR No.113/2012 registered at PS-Ambedkar Nagar for the offence punishable under Section 135 of the Indian Electricity Act and Section 379 of the IPC 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, the matter has been settled between the parties and the petitioners paid the total dues raised by respondent No.2. Thus, respondent No.2 does not want to pursue the case further against them.

3. Learned counsel appearing on behalf of the respondent No.2 under instructions does not dispute the submissions made by counsel for the petitioners and submits that the matter has been settled between the parties and the petitioners have paid the total amount raised by respondent No.2 and nothing due against them. She further submits that a 'No Due Certificate' to this effect has been issued to them by respondent No.2. Thus, respondent No.2 has no complaint whatsoever against the petitioners 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 charge sheet and after framing of charges matter is pending trial before 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 them, 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 Nos.1 & 2, FIR No.113/2012 registered at PS-Ambedkar Nagar for the offence punishable under Section 135 of the Indian Electricity Act and Section 379 of the IPC and consequential proceedings emanating therefrom are hereby quashed.

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

Crl.M.A. No.2497/2016 (for stay)

Dismissed as infructuous.

**SURESH KAIT
(JUDGE)**

FEBRUARY 12, 2016

M