

#39

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 08.03.2016

W.P.(CRL) 709/2016

TARIQ ALI & ANR

..... Petitioners

Through: Mr. Niyamat Hussain, Advocate

versus

THE STATE (NCT OF DELHI) & ANR

..... Respondents

Through: Ms. Nandita Rao, ASC (Criminal) for
R-1 with SI Shri Bhagwan, PS- Neb
Sarai for R-1
Mr. Deepak Pathak, Advocate for R-2

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.3993/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 709/2016

1. The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.)

seeking quashing of FIR No.1382/2015, under Section 135 of the Indian Electricity Act, 2003, registered at Police Station- Neb Sarai and the proceedings arising therefrom.

2. Counsel appearing on behalf of respondent No.2/ BSES Rajdhani Power Limited states that the issue arising out of the alleged illegal abstraction of energy has already been amicably resolved between the distribution company and the petitioner herein.

3. In view of the foregoing, counsel appearing on behalf of respondent No.2 states that they have no objection to the present petition being allowed.

4. It is an admitted position that the subject bill raised by the BSES Rajdhani Power Limited, against the petitioner herein, now stands paid by the latter to the satisfaction of the former.

5. In the present case, it is observed that the offence in the subject FIR does not fall within the exempted categories of serious/heinous offences which ought not to be quashed on the ground of an amicable resolution of the disputes. [Ref. *Gian Singh vs. State of Punjab and Anr.* reported as (2012) 10 SCC 303]. The offence alleged to have been committed in the subject FIR is private in nature and does not have a serious impact on society.

6. In view of the foregoing, since the dispute which resulted in the registration of the subject FIR has already been resolved amicably by and between the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

7. Consequently, FIR No.1382/2015, under Section 135 of the Indian Electricity Act, 2003, registered at Police Station- Neb Sarai and the proceedings arising therefrom are hereby set aside and quashed *qua* both the petitioners subject to their depositing a sum of Rs.5,000/- (Rupees Five Thousand Only) each with the Victims' Compensation Fund, Government of NCT of Delhi within a period of two weeks from today. The receipt of the said deposit shall be furnished to the concerned IO namely, SI Shri Bhagwan, Police Station- Neb Sarai, New Delhi.

8. The writ petition is allowed and disposed of accordingly.

SIDDHARTH MRIDUL, J

MARCH 08, 2016

dn