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

Judgment delivered on: 04th March, 2016

+ CRL.M.C. 936/2016

NARESH

..... Petitioner

Represented by: Mr. Jitendra, Adv.

versus

THE STATE GNCT OF DELHI & ANR

..... Respondents

Represented by: Mr. Arun Kr. Sharma, APP
for State.

Ms. Jaspreet Aulakh, Mr. Deepat Jain and
Ms. Aditi Tomar, Adv.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl.M.A. 3969/2016 (for exemptions)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **CRL.M.C. 936/2016**

1. By way of the present Petition filed under Section 482 Cr.P.C. petitioner seeks directions thereby quashing of FIR No. 245/2014 registered at PS-Jafarpur Kalan 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 paid the total dues raised by 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 total amount raised by respondent no.2 and nothing due against him. She further submits that a '*No Dues 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 charges are yet to be framed. He further submits that since, the matter has been settled between the parties and the petitioner has paid all the dues raised by the respondent No.2 and a '*No Dues Certificate*' to this effect has also been issued to the petitioner by respondent No.2, 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. 245/2014 registered at PS-Jafarpur Kalan 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 with no order as to cost.

**SURESH KAIT
(JUDGE)**

MARCH 04, 2016

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