

#42

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 21.03.2016

W.P.(CRL) 901/2016

TANVEER EL UMAR KHAN

..... Petitioner

Through : Ms. Sophiya Salim and Mr. Mirza
Rizwan Baig, Advocates

versus

STATE & ANR

..... Respondents

Through : Mr. Rajesh Mahajan, ASC (Crl.) with
Ms. Parul Jamwal, Advocate and SI
Jagsharan, P.S. Jamia Nagar for R-1.
Mr. Puneeth K.G. and Mr. Deepak
Pathak, Advocates for R-2.

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

CRL.M.A.NO.4936/2016 (Exemption)

Exemption granted subject to all just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 901/2016

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.317/2015, under Section 379 IPC and Section

135 of Indian Electricity Act, registered at Police Station- Jamia Nagar, Delhi and the proceedings emanating therefrom.

2. The subject FIR came to be registered on a complaint instituted on behalf of respondent no.2/BSES Rajdhani Power Limited, alleging therein that the petitioner had illegally abstracted energy.

3. Counsel appearing on behalf of respondent no.2/BSES Rajdhani Power Limited, on instructions, states that subsequent to the registration of the subject FIR they have received a sum of Rs.49,890/- towards payment of electricity consumed by the petitioner at his Jamia Nagar premises and that consequently they are no longer keen to prosecute the subject FIR.

4. In the present case, it is observed that the offences in the subject FIR do 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 offences alleged to have been committed in the subject FIR are private in nature and do not have a serious impact on society.

5. 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.

6. In the circumstances, since no useful purpose will be served by proceeding with the subject FIR on account of the parties having settled their disputes finally, the FIR No.317/2015, under Section 379 IPC and Section 135 of Indian Electricity Act, registered at Police Station- Jamia Nagar, New Delhi and the proceedings arising therefrom are hereby set aside and quashed subject to their depositing a sum of Rs.5,000/- (Rupees Five Thousand Only) 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 IO in the subject FIR, namely, SI Jagsharan, P.S. Jamia Nagar.

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

SIDDHARTH MRIDUL, J

MARCH 21, 2015

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