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

Judgment delivered on: 22nd March, 2016

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CRL.M.C. No.1183/2016

AJAZ FATIMA SHAMAMA & ANR. Petitioners

Represented by: Mr.Habib-ur-Rahman, Advocate.

Versus

THE STATE & ANR. Respondents

Represented by: Mr.G.M.Farooqui, Additional Public
Prosecutor for the State with
SI Jagsharan, P.S. Jamia Nagar.
Mr.Deepak Jain and Ms. Varnika
Singh, Advocate for Respondent No.2.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. By way of the present Petition filed under Section 482 Cr.P.C. petitioners seek directions thereby quashing of FIR No.860/2012 registered at Police Station Jamia Nagar, New Delhi, for the offence punishable under Section 135 of the Indian Electricity Act 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 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 petitioners have paid the total dues amounting to Rs.45,600/- (Forty Five Thousand Six Hundred) raised by respondent No.2. Thus,

respondent No.2 does not want to pursue the case further against the petitioners.

3. Learned counsel appearing on behalf of the respondent No.2 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 is due against them. She further submits that a 'No Dues Certificate' to this effect has been issued to the petitioner, which is at page No.17 of the paper book. 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 matter is at the initial stage of trial as the charges have not yet been framed against the petitioners. Since the matter has been settled between the parties, 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 the petitioner, the State has no objection, if the present petition is allowed.

5. Keeping in view the settlement arrived at between the parties, statements of respondent No.2 and the learned Additional Public Prosecutor for the State, FIR No.860/2012 registered at Police Station Jamia Nagar, New Delhi, for the offence punishable under Section 135 of the Indian Electricity Act and consequential proceedings emanating therefrom are hereby quashed against the petitioners.

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

7. A copy of this order be given *dasti* to the learned counsel for the parties.

**SURESH KAIT
(JUDGE)**

MARCH 22, 2016

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