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

Judgment delivered on: 23rd March, 2016

+ **CRL.M.C. No.1190/2016**

JAMALUDDIN

..... Petitioner

Represented by: Mr.Habibur Rahman, Adv
with petitioner.

versus

THE STATE & ANR

..... Respondents

Represented by: Mr.Arun Kumar Sharma,
APP for the State with SI
Sahdev Tomar & HC
Pardeep, PS Amar
Colony, New Delhi/R1.
Ms.Varnika Singh &
Mr.Deepak Jain, Adv for
R2/BSES.

**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. petitioner seeks directions thereby quashing of FIR No.1221/2014 registered at police station Amar Colony, New Delhi 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 of Rs.4,20,200/- raised by respondent No.2. Thus, respondent no.2 does not want to pursue the case further against him.

3. Learned counsel appearing on behalf of the respondent No.2 on instructions 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 of Rs.4,20,200/- 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, charges are yet to be framed by learned Trial Court. 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 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, statement of respondent Nos.1&2, FIR No.1221/2014 registered at police station Amar Colony, New Delhi 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 23, 2016

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