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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 05.04.2016

W.P.(CRL) 1108/2016

ALI EMAM KHAN

..... Petitioner

Through : Mr. Naushad A. Khan, Advocate with
petitioner in person.

versus

STATE & ANR

..... Respondents

Through : Ms Nandita Rao, ASC (Crl.) with Ms.
Neha Dhir, Advocate and SI Baldev
Raj and SI Gurjeet Singh, P.S. OIA
for R-1.
Mr. Sunil Fernandes, Standing
Counsel and Mr. Deepak Pathak,
Advocates for R-2.

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

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.346/2013, under Sections 135 and 138 of Indian Electricity Act, 2003 registered at Police Station-Okhla Industrial Area, 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 at the outset states that the issue arising out of illegal abstraction of energy has already been amicably resolved between the respondent no.2/BSES Rajdhani Power Ltd. and the petitioner herein. Consequently, counsel states that BSES Rajdhani Power Limited/respondent no.2 has no objection if the present writ petition is allowed and the subject FIR is quashed.

4. Notice.

5. Counsel appearing on behalf of the official respondent accepts notice and does not oppose the petition in view of the settlement arrived at between the complainant and the accused in the subject FIR.

6. 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.80,000/- towards payment of electricity consumed by the petitioner at his premises at C-434, IKV Okhla

Phase-1, New Delhi-110020 and that consequently they are no longer keen to prosecute the subject FIR.

7. 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.

8. In view of the foregoing, since the dispute which was the consequence of an allegation levelled against the petitioner to the effect that he was illegally abstracting energy, has already been amicably resolved and the petitioner has already paid requisite bill issued by BSES Rajdhani Power Limited and a No Dues certificate has been issued in this behalf, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

9. Consequently, the FIR No. 346/2013, under Sections 135 and 138 of Indian Electricity Act, 2003 registered at Police Station-Okhla Industrial Area, Delhi and the proceedings arising therefrom are hereby set aside and quashed subject to the petitioner 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 Baldev Raj, P.S. Okhla Industrial Area.

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

SIDDHARTH MRIDUL, J

MARCH 21, 2015

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