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

+ W.P.(CRL) 1305/2016

RAJKUMAR & ANR

..... Petitioners

Through: Mr.Arun Kumar Kaushik, Advocate

versus

STATE AND ANR

..... Respondent

Through: Mr.Ashish Aggarwal, A.S.C. for the
State with ASI Rajender PS Sarita
Vihar
Mr.Deepak Pathak, Advocate for
BSES-RPL/R-2

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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26.05.2016

1. By way of present petition filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. the petitioners are seeking quashing of FIR bearing No.219/2012 under Section 379 of IPC and Sections 135 of the Indian Electricity Act (Amended) 2003, registered at PS Sarita Vihar, Delhi.
2. Present FIR was registered for an offence of direct theft of electricity against the petitioners on the complaint of Respondent No.2 alleging that on 12th May, 2011 at 1.00 p.m. a joint inspection/raid was conducted by the officials of Respondent No.2 at the premises i.e. CS-91/181, Mehla Mohalla, Madanpur Khadar, New Delhi and during inspection Petitioner was found indulged in direct theft of electricity.
3. It is further mentioned in the petition that respondent No.2 assessed the abovementioned theft and raised a bill of Rs. 53,000/- vide Bill

No.AGENR160520110026AO , which the petitioner has duly paid and copy of receipt is annexed to the petition. In pursuance to payment of bill, respondent No.2 had also issued a no due certificate in favour of the petitioner, copy of which is annexed as Annexure D to the petition.

5. Learned counsel for the petitioner submits that since the petitioner has cleared all the dues and no due certificate has also been issued in favour of the petitioner, no purpose would be served in prosecuting the petitioner any more, therefore, the FIR in question may be quashed.

6. Learned counsel for respondent No.2/BSES is present and submits that as the petitioner has duly paid the bill amount and no due certificate has also been issued in favour of the petitioner by BSES, he has no objection if the prayer of the petitioner for quashing of FIR is allowed.

7. In view of the submissions made on behalf of the petitioner as well as the respondent No.2/BSES that all the dues have been cleared by the petitioner and respondent No.2 has also issued no due certificate, I am of the considered view that no useful purpose would be served by continuing the criminal proceedings against the petitioner, which will only be an exercise in futile and wastage of precious time of the Court.

8. Accordingly, the petition is allowed and FIR bearing No.219/2012 under Section 379 of IPC and Sections 135 of the Indian Electricity Act (Amended) 2003, registered at PS Sarita Vihar, Delhi and all the proceedings arising therefrom are hereby quashed, leaving the parties to bear their own costs.

Order *dasti*.

PRATIBHA RANI, J.

MAY 26, 2016
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