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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 29.04.2016

W.P.(CRL) 1321/2016

SYED ANWAR ZAMAN

..... Petitioner

Through: Mr M.Hasibuddin, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through: Mr Ashish Aggarwal, Addl. Standing
Counsel (Crl.) SI Hoshiyar, PS- Jamia
Nagar.
Mr Sunil Fernandes, Standing Counsel
for BSES/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.376/2015, under Sections 135 of the Indian Electricity Act, 2003 and 379 IPC registered at Police Station- Jamia Nagar, South East, New Delhi.

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 advance notice, states that the petitioner has since deposited a sum of Rs.78,310/- with them towards full and final settlement of all their outstanding charges for supply of energy and that, therefore, they are no longer keen to prosecute the subject FIR.
4. The petitioner is a retired employee of an Airline and is aged approximately 76 years old. There are no other cases pending against him.
5. 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 v. 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.
6. 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, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

7. Consequently, the FIR No.376/2015, under Sections 135 of the Indian Electricity Act, 2003 and 379 IPC registered at Police Station- Jamia Nagar, South East, New Delhi is hereby set aside and quashed qua the petitioner.

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

SIDDHARTH MRIDUL, J

APRIL 29, 2016

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