

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 20th May, 2016

W.P.(CRL) 1594/2016**MUKESH KUMAR & ORS**

..... Petitioners

Through: Mr Amit Kumar Pandey, Advocate.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through: Ms Richa Kapoor, Addl. Standing
Counsel (Crl.) with Mr Ashish Negi,
Advocate for State.Mr Puneeth K.G. and Mr Deepak
Pathak, Advocates for R-2/BSES.

SI Manohar Lal, PS- Ranhola.

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.74/2013, under Section 135 of the Indian

Electricity Act, 2003, registered at Police Station- Ranhola and the proceedings arising therefrom.

2. Counsel appearing on behalf of respondent No.2/ BSES Rajdhani Power Limited states that the issue arising out of the alleged illegal abstraction of energy has already been resolved between the distribution company and the petitioner herein. In this behalf a No Dues Certificate dated 17.12.2015 annexed as Annexure P4 is relied upon.

3. In view of the foregoing, counsel appearing on behalf of the parties state that since respondent No.2/BSES has no objection to the prayer for quashing sought in the present petition, the petition may be allowed.

4. In view of the above, it is an admitted position that the subject bill raised by the BSES Rajdhani Power Limited, against the petitioners herein, now stands paid by the latter to the satisfaction of the former.

5. In the present case, it is observed that the offence in the subject FIR does 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 offence alleged to have been committed in the

subject FIR is private in nature and does not have a serious impact on society.

6. In view of the foregoing, since the dispute which resulted in the registration of the subject FIR has already been resolved amicably by and between the parties without any undue influence, pressure or coercion, no useful purpose will be served by proceeding with the subject FIR and the proceedings arising therefrom.

7. Consequently, FIR No.74/2013, under Section 135 of the Indian Electricity Act, 2003, registered at Police Station- Ranhola and the proceedings arising therefrom are hereby set aside and quashed *qua* the petitioners subject to their depositing a sum of Rs.5,000/- (Rupees Five Thousand Only) each with the Victims' Compensation Fund, Government of NCT of Delhi within a period of four weeks from today. The receipt of the said deposit shall be furnished to the concerned IO namely, SI Manohar Lal, PS- Ranhola, Delhi.

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

SIDDHARTH MRIDUL, J

MAY 20, 2016

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