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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 06.05.2016

W.P.(CRL) 1434/2016

PUSHPA

..... Petitioner

Through: Ms Jyoti Gupta, Advocate.

versus

STATE & ANR

..... Respondents

Through: Mr Sanjay Lao, Addl. Standing
Counsel (Crl.).

Ms Mithu Jain and Mr Deepak Pathak,
Advocates for R-2/BSES.

SI Anand Kumar, PS- Mehrauli.

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.301/2016, under Section 135 of the Indian Electricity Act, 2003 registered at Police Station- Mehrauli, 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.11,401/- with them against the theft bill and a no dues certificate has been issued by the respondent No.2 in favour of the petitioner and that, therefore, they are no longer keen to prosecute the subject FIR.

4. In the present case, it is observed that the offence 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 offence alleged to have been committed in the subject FIR is private in nature and do not have a serious impact on society.

5. In view of the foregoing, since the dispute which was the consequence of an allegation levelled against the petitioner to the effect that she 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.

6. Consequently, the FIR No.301/2016, under Sections 135 of the Indian Electricity Act, 2003 registered at Police Station- Mehrauli, Delhi, is hereby set aside and quashed qua the petitioner.

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

SIDDHARTH MRIDUL, J

MAY 06, 2016

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