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

+ W.P.(CRL) 2226/2015

ASHOK SHARMA & ANR

..... Petitioners

Through: Mr.Akhilesh Kumar Pandey, Adv.

versus

THE STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr. Sanjay Lao, A.S.C. for the State
with Mr.Siddarth Sindhu, Advocate
with SI Arun Kumar PS Ghazipur.
Mr.Arav Kapoor, Advocate for
R-2/BSES.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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28.01.2016

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.699/2015 under Sections 135/150 of the Indian Electricity Act (Amended) 2003, registered at PS Ghazipur, Delhi.
2. Case FIR bearing No.699/2015 under Sections 135/150 of the Indian Electricity Act (Amendment), PS Ghazipur, Delhi, was registered for an offence of direct theft of electricity against the petitioners.
3. That as per the direction of DGM (Enf-I), a raid was conducted at the premises of petitioners. At the time of inspection user was found indulging in direct theft of electricity through wire which was illegally connected to the premises. The Electricity meter No.25145788 was found installed at site.

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Necessary videography of the concerned load and direct source was also recorded. The said meter alongwith illegal wire was seized as the petitioner No.1 was dishonestly stealing the electricity without any authorization. It is mentioned in the petition that petitioner No.1 has committed the offence of direct theft of electricity and his act falls within the provisions of Section 135 of the Electricity Act, 2003 and petitioner No.2 falls under Section 135 & 150 of the Electricity Act, 2003. Hence the FIR in question was registered.

4. It is further mentioned in the petition that respondent No.2 assessed the abovementioned theft and raised a bill of Rs.11,700/- vide Bill No.YMENE230720150037AO, which the petitioner No.1 has duly paid and copy of receipt is annexed to the petition as Annexure B. In pursuance to payment of bill, respondent No.2 had also issued a no due certificate in favour of the petitioners, copy of which is annexed as Annexure C to the petition.

5. Learned counsel for the petitioners submits that since the petitioners have cleared all the dues and no due certificate has also been issued in favour of the petitioners, no purpose would be served in prosecuting the petitioners 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 petitioners have duly paid the bill amount and no due certificate has also been issued in favour of the petitioners by BSES, he has no objection if the prayer of the petitioners for quashing of FIR is allowed.

7. In view of the submissions made on behalf of the petitioners as well as the respondent No.2 BSES that all the dues have been cleared by the petitioners 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 petitioners, 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.699/2015 under Sections 135/150 of the Indian Electricity Act (Amendrft) 2003, P.S. Ghazipur, Delhi and all the proceedings arising therefrom are hereby quashed, leaving the parties to bear their own costs.

Order dasti.

PRATIBHA RANI, J.

JANUARY 28, 2016

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