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

Judgment delivered on: 2nd March, 2016

+ CRL.M.C. 633/2016

SMT. SHAHNA @ SHAMMA

..... Petitioner

Represented by: Mr. Sanjay Kumar, Adv.

versus

STATE (GNCT OF DELHI) & ANR

..... Respondents

Represented by: Mr. Arun Kr. Sharma, APP
for State with SI Jagsharan, PS-Jamia
Nagar.

Mr. Deepak Pathak, Adv. for R2/BSES
RPL.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

1. By way of the present Petition filed under Section 482 Cr.P.C. petitioner seeks directions thereby quashing of FIR No. 632/2014 registered at PS-Jamia Nagar, New Delhi for the offences punishable under Section 379 IPC and Section 135 of the Indian Electricity Act, 2003 and consequential proceedings emanating therefrom against her.

2. Learned counsel appearing on behalf of the petitioner submits that the aforesaid case was registered against the petitioner on the complaint of respondent No.2, i.e., BSES Rajdhani Power Ltd. on account of direct theft of electricity committed by her and using the electricity illegally for domestic purpose by tapping to main BSES LVPS Line Transformer Pole connected through illegal cables further

connected to entire DT Load. Thereafter, the matter has been settled between the parties and the petitioner paid the total dues raised by respondent no.2. Thus, respondent no.2 does not want to pursue the case further against her.

3. Ld. Counsel appearing on behalf of the respondent no.2 on instructions does not dispute the submissions made by counsel for the petitioner and submits that the matter has been settled between the parties and the petitioner has paid the total amount raised by respondent no.2 and nothing due against her. He further submits that a '*No Dues Certificate*' to this effect has been issued to the petitioner. Thus, respondent no. 2 has no complaint whatsoever against the petitioner and if the present petition is allowed, the said respondent has no objection.

4. Learned Additional Public Prosecutor appearing on behalf of the State submits that after investigation, police has filed the chargesheet, charges framed and the case is pending for prosecution evidence. Since, the matter has been settled between the parties and the petitioner has paid all the dues raised by the respondent no. 2 and a '*No Dues Certificate*' to this effect has been issued to the petitioner, the State has no objection, if the present petition is allowed.

5. Keeping in view the settlement arrived at between the parties, statement of respondent no.2 and ld. APP for the State, FIR No.632/2014 registered at PS-Jamia Nagar, New Delhi for the offences punishable under Section 379 IPC and Section 135 of the Indian Electricity Act, 2003 and consequential proceedings

emanating therefrom are hereby quashed against the petitioner.

6. Accordingly, the petition is allowed with no order as to cost.

**SURESH KAIT
(JUDGE)**

MARCH 02, 2016

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