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

+ W.P.(CRL) 632/2017

HABIB AHMED SIDDIQUE Petitioner
Through: Mr.Uday Prakash Yadav, Adv.

versus

STATE & ANR. Respondents
Through: Mr.Anurag Vijay, Adv. for R-2.
ASI Ved Parkash, P.S.Malviya Nagar.

CORAM:
HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER
% **28.04.2017**

The petitioner seeks quashing of the FIR No.582/2015 (P.S. Malviya Nagar) dated 26.03.2015 instituted for the offence under Section 135 of the Indian Electricity Act (Amended), 2003 and all proceedings arising therefrom.

The First Information Report discloses that an inspection was carried out by an inspection team at J-3/31-B, Shop No.2, Ground Floor, Khirki Extension, Malviya Nagar, New Delhi.

During the inspection, it was found that Meter No. 21267736 installed in the residence of the petitioner was running through an unauthorised wire which was connected with the BSES pole and partial load was running through the meter. The total connected load was found to the extent of 3.661 KW which was directly being run from the pole, without the meter and load of 0.225 KW operated through the meter.

The petitioner was found to be dishonestly stealing the electricity.

On 13.01.2015, respondent No.2 had assessed a demand bill of Rs.2,27,429/- with the due date of 28.01.2015. Due to the non-payment of the demand bill, the subject FIR came to be registered against the petitioner.

The respondent No.2 after making an assessment raised a fresh bill of Rs.1,81,945/- against the petitioner.

The learned counsel for the petitioner submits that the petitioner has made the full payment of Rs.1,81,945/- vide Demand Draft No. 953451 dated 29.05.2015 with the respondent No.2, thereby clearing all the dues. He further submits that, now, no dues remain against the petitioner.

The learned counsel for the respondent no.2 states that respondent no.2 does not have any objection to the quashing of the FIR.

Considering the fact that the grievance of the respondent No.2 has been completely redressed and that no fruitful purpose would be served in keeping the case pending, this Court is inclined to quash the present FIR.

In ***Gian Singh vs. State of Punjab & Another, (2012) 10 SCC 303***, the Supreme Court has held that cases which are not compoundable under Section 320 of the Cr.P.C. could also be quashed, when continuation of any criminal proceeding would be an exercise in futility and where justice demands that the dispute between the parties should be put to an end and peace is restored. But ending of such criminal proceedings could only be ordered for securing the ends of justice.

The Supreme Court has further observed in *Gian Singh vs. State of Punjab & Another (Supra)*:

“58..... No doubt, crimes are acts which have harmful effect on the public and consist in

wrongdoing that seriously endangers and threatens the well-being of the society and it is not safe to leave the crime-doer only because he and the victim have settled the dispute amicably or that the victim has been paid compensation, yet certain crimes have been made compoundable in law, with or without the permission of the court. In respect of serious offences like murder, rape, dacoity, etc., or other offences of mental depravity under IPC or offences of moral turpitude under special statutes, like the Prevention of Corruption Act or the offences committed by public servants while working in that capacity, the settlement between the offender and the victim can have no legal sanction at all. However, certain offences which overwhelmingly and predominantly bear civil flavour having arisen out of civil, mercantile, commercial, financial, partnership or such like transactions or the offences arising out of matrimony, particularly relating to dowry, etc. or the family dispute, where the wrong is basically to the victim and the offender and the victim have settled all disputes between them amicably, irrespective of the fact that such offences have not been made compoundable, the High Court may within the framework of its inherent power, quash the criminal proceeding or criminal complaint or FIR if it is satisfied that on the face of such settlement, there is hardly any likelihood of the offender being convicted and by not quashing the criminal proceedings, justice shall be casualty and ends of justice shall be defeated. The above list is illustrative and not exhaustive. Each case will depend on its own facts and no hard-and-fast category can be prescribed.”

[Refer to B.S. Joshi, (2003) 4 SCC 675; Nikhil Merchant, (2008) 9 SCC 677 and Manoj Sharma, (2008) 16 SCC 1.]

For the reasons afore recorded, the FIR No.582/2015 (P.S. Malviya Nagar)dated 26.03.2015 instituted for the offence under Section 135 of the

Indian Electricity Act (Amended), 2003 and all the emanating proceedings thereof are quashed, as no useful purpose will be served in keeping the investigation in the case pending.

Thus, the petition is disposed of in the above terms.

ASHUTOSH KUMAR, J

APRIL 28, 2017

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