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

+ W.P.(CRL) 1019/2017

DEEPAK KHURANA Petitioner

Through: Mr. Harsh Ahuja, Advocate with
Mr. Kushal Kumar, Adv.

versus

STATE OF NCT OF DELHI Respondent

Through: Mr. Puneeth K.G. Adv. with
Mr. Raghav Chadha, Adv. fo R-2.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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11.04.2017

At the instance of respondent no.2, Police Station Malviya Nagar Delhi has registered FIR No.96/2017 for investigation into the offence allegedly committed punishable under Section 135 of the Indian Electricity Act, 2003. It appears that the name of the petitioner figures in the said FIR.

By the petition at hand, the prayer made is for the said FIR to be quashed on the grounds, *inter alia*, that the premises where the alleged theft of electricity was committed, though owned by the petitioner, during the relevant period was in use and occupation of the lessee, the case of the petitioner essentially being that the theft of electricity if at all was committed by such lessee.

These contentions will have to be the subject matter of the investigation that is presently under way after registration of the FIR on 05.03.2017. The question of facts arising as a result of contrary position taken by the petitioner and respondent no.2 cannot be answered in writ jurisdiction, not the least, at the stage when the investigation is yet not complete.

In these circumstances, the petition stands dismissed.

R.K.GAUBA, J.

APRIL 11, 2017

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