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

+ W.P.(CRL) 1799/2017 & CRL.M.A.9947-9948/2017

VODAFONE MOBILE SERVICES LTD & ANR Petitioners
Through Mr.Neeraj Chaudhari, Adv. with
Ms.Saakshi Agarwal and Ms.Nidhi Soni, Advs.
with petitioner in person.

versus

STATE & ANR Respondents
Through Ms.Kamna Vohar, ASC for the State
with ASI Ved Parkash, P.S. Lahori Gate.
Mr.Manish Srivastava, Adv. with Ms.Shagun
Trisal and Mr.Aditya Gupta, Advs. for BSES with
AR Mr.Rajiv Manchanda, Asst. Vice President, in
person.

CORAM:
HON'BLE MR. JUSTICE VINOD GOEL

ORDER
18.09.2017

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1. The petitioners have invoked the writ jurisdiction of this court under Article 226 of the Constitution of India for quashing of the FIR bearing No.217/2016, registered on 30.09.2016 against them with Police Station Lahori Gate, North District, Delhi, under Section 135 of The Electricity Act, 2003 on the complaint of respondent No.2/BSES.
2. Respondent No.2 conducted a raid on the rented premises of the petitioner on 29.08.2016 at 04.30 PM. The petitioner company was found indulging in direct theft of electricity from the electric poll. The respondent no. 2/BSES lodged a complaint which culminated into

said FIR against the petitioner.

3. The respondent No.2 raised a bill of Rs.10,50,123/- against the petitioner No.1 company bearing No. YMENF 300820160142R1 dated 30.08.2016.
4. On making a representation by the petitioner company, the respondent no.2 had verified the facts and the Apex Committee of the respondent no.2 had decided to recall the demand raised by them to the petitioner company. They informed the representative of the petitioner vide their letter No.95418 dated 13th January, 2017.
5. Mr.Rajiv Manchanda, the Assistant Vice President of the respondent no.2, has filed his affidavit dated 28th August, 2017 in which, *inter alia*, he testified that after verification on receipt of representation from the petitioner company the apex committee of the respondent no.2 came to the conclusion that the case of the direct theft of electricity is to be dropped and assessment bill dated 30th August, 2017 raised pursuant to the inspection dated 29th August, 2017 is to be withdrawn. He further deposed in the affidavit that the respondent no.2 company has no objection if the said FIR is quashed.
6. Learned ASC through IO submits that the charge sheet has so far not been filed.
7. When the parties had amicably settled the matter and the impugned bill dated 30th August, 2016 raised against the petitioner had been recalled, no purpose would be served in further pursuing the said FIR. Hence, to secure ends of justice, the FIR bearing No.217/2016, registered on 30.09.2016 with Police Station Lahori Gate, North District, Delhi, under Section 135 of The Electricity Act, 2003 and

proceedings arising out of the said FIR are hereby quashed.

8. The petition is disposed of accordingly.
9. Crl.M.A. No.9947/2017 and Crl.M.A. 9948/2017 also stand disposed of.
10. DASTI.

VINOD GOEL, J.

SEPTEMBER 18, 2017//jitender