

278 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

Hemlata
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CRM-M-5032-2011(O&M)

Date of decision:26.04.2018

Zarina Alam

...Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam, Gurgaon

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Maroof Ahmed, Advocate
for the petitioner.

Mr. Sudhir Hooda, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of complaint No. 195/2010 dated 09.12.2010 as well as summoning order dated 09.12.2010 (Annexure P-5) passed by the trial Court vide which the petitioner has been summoned for offence under Section 135/151 of the Electricity Act, 2003 read with Section 379 of IPC.

This petition is pending since 2011 and in the meantime, the petitioner has paid the amount to respondent No.2- DHBVNL.

On the last date of hearing i.e. 26.03.2018, the respondent was directed to file an affidavit giving details of amount pending against the petitioner.

Mr. Kuldeep Singh Nehra, Sub-Divisional Officer, DHBVNL, DLF Sub Division, Gurugram is present in the Court and has filed an affidavit dated 30.12.2017. As per this affidavit, the case titled Zarina Vs. DHBVNL has already been settled under the out of Court settlement scheme as per Sales Circular No.D-40/2017 vide reference Sundry No.RO-11-0543

as on 30.12.2017. Learned counsel for the respondent further submits that alongwith the affidavit of SDO, the details of the payment made by the petitioner is also attached.

Similar affidavit has been filed by the petitioner that she has cleared all the dues pending against her.

Learned counsel for the petitioner has relied upon the order dated 17.11.2016, passed in CRM-M-8329-2016, wherein the following order has been passed:-

“ This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.917 dated 18.11.2015, registered under Sections 135, 138 & 150 of the Electricity Act, 2003, at P.S. I&P Sushant Lok-I, Gurgaon, Haryana alongwith all consequential proceedings arising therefrom including the challan dated 14.01.2016 on the basis of compounding of offence by respondent No.2 after accepting the dues alongwith compounding fees.

Reply has been filed on behalf of respondent No.2 by way of affidavit of Kuldeep Singh Nehra, SDO, DLF City, Sub Division, DHBVN, Gurgaon, Haryana wherein the fact regarding compounding of offence has been accepted.

Learned counsel for the petitioner has also relied upon the judgment of Co-ordinate Bench of this Court titled as Inder Kumar Chopra vs. State of Haryana and another, passed in CRM-M-9254- 2016, decided on 30.09.2016, whereby in similar circumstances the FIR has been quashed.

In the circumstances, the petition is allowed. The aforesaid FIR alongwith all consequential proceedings arising therefrom is quashed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of. ”

Since the respondent has not disputed the fact that the

petitioner has already paid the amount and the Nigam has compounded the offence after accepting the compounding fees under out of Court Settlement Scheme as per Sales Circular dated 30.12.2017, this petition is allowed. The impugned complaint No.195 dated 09.12.2010 as well as the summoning order dated 09.12.2010 (Annexure P-2) are hereby quashed.

(ARVIND SINGH SANGWAN)
JUDGE

26.04.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No