

\$~29

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 318/2018**

FAISAL Petitioner
Through: Mr. Shahid Ali, Advocate with
Mr. Satish Kumar, Advocate
versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR..... Respondents
Through: Mr. Mukesh Kumar, APP for the
State.
Mr. Sunil Fernandes, Advocate/
Standing Counsel with Ms. Anju
Thomas, Adv. for R-2/BSES

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

ORDER
% **21.08.2018**

The petitioner is facing prosecution on the charge for the offence punishable under Section 135 of the Electricity Act, 2003 in the court of Special Judge in the criminal case arising out of the FIR No.649/2014, registered at the instance of the second respondent.

He (the petitioner) has approached this court by the petition at hand under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to seek quashing of the proceedings in the said case on the ground he has already paid bill raised by the second respondent on the basis of the allegations made in the criminal case and thereby have discharged his civil liability.

In similarly placed case – *Crl.M.C. No.3317/2018* - titled *Masood Mohamad Aman vs. The State (NCT) of Delhi & Ors.*, this court by order *CRL.M.C. 318/2018*

dated 06.07.2018 declined to quash the proceedings in the criminal case involved therein by observation to the following effect:-

“The payment of penalty towards the civil liability is no good reason to bring an end to the criminal prosecution which is also one of the consequences flowing from the impugned acts. The offence involved here is in the nature of economic offence concerning the financial and economic well being of the State with implications which go beyond the domain of mere dispute between private disputants and, therefore, not a fit case for this Court to exercise the inherent power under Section 482 of Code of Criminal Procedure, 1973 in terms of the guiding principles set out in the judgment of the Supreme Court reported as “Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another, (2017) 9 SCC 641”.

The above view squarely applies to the case at hand.

The petition is dismissed.

R.K.GAUBA, J.

AUGUST 21, 2018

vk