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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 326/2018

SATISH KUMAR & ORS

..... Petitioners

Through: Mr. R.K. Gupta & Mr. Raj Kumar,
Advocates.

Versus

THE STATE OF DLEHI & ANR

..... Respondents

Through: Mr. Sanjeev Sabharwal, APP for State
with ASI Kamal Kumar, Ps Okhla
Industrial Area.

Mr. Sunil Fernandes, Standing
Counsel for BSES with Mr. Arnav
Vidyarthi, Advocates.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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12.03.2018

Learned counsel for the respondent no. 2 submits that his vakalatnama had been filed on 09.03.2018 vide diary no. 80035. Learned counsel may assist the Registry to get the same be placed on the record.

Vide the present petition, the petitioner seeks quashing of the FIR No. 710/14, PS Okhla Industrial Area under Section 135 of the Indian Electricity Act, 2003 and submitted to the effect that a settlement has been arrived at between the parties in relation to the complaint lodged vide the FIR No. 710/14, PS Okhla Industrial Area

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against the petitioners no. 1 to 3 qua the alleged commission of

the offence of direct theft of electricity in terms of Section 135 of the Indian Electricity Act, 2003 qua which pursuant to the settlement arrived at between the parties, a total sum of Rs. 76,000/- has since been paid by the petitioners to the respondent no. 2, in relation to which a No Dues Certificate has already been issued by the respondent no. 2.

Vide proceedings dated 22.01.2018, the State was directed to conduct a verification in relation to the said averment and the report of the Station House Officer, Insp. Mukesh Walia has since been submitted verifying the factum of settlement averred in the petition as verified by the Investigating Officer of the case, i.e., SI Kamal Kumar from the Manager (E. No. 41003981), BSES Legal and Enforcement Cell Andrewsganj (Enforcement South) Delhi, indicating that the settlement has been genuinely arrived at and that the averments made in the petition are correct.

In view of the said verification that has been submitted, there is no opposition on behalf of the State to the prayer made by the petitioners no. 1 to 3 seeking quashing of the FIR No. 710/14, PS Okhla Industrial Area to the similar effect are the submissions made on behalf of the respondent no. 2 by the learned counsel for the respondent no. 2 present today.

In view of the No Dues Certificate on the record in relation to case ID no. RJ290414SC014 which is also the ID number as per the FIR in question on the record indicating that the No Dues Certificate

in relation to the Bill No. AGENR050520140016A0 has already been

issued by BSES Rajdhani Power Limited and taking into account the factum that the offence punishable under Section 135 of the Indian Electricity Act, 2003, is compoundable, in view of the No Due Certificate on the record issued by the respondent no. 2, in view of the verdict of this Court in ***“NARESH JHANJHI & ANR VS. STATE OF NCT OF DELHI & ANR”*** in CRL.M.C. 4179/2015, ***“SHIV CHARAN VS. THE STATE & ANR”*** in CRL.M.C. 3176/2015, ***“RAJESH KUMAR VS. THE STATE GOVT OF NCT OF DELHI & ANR”*** in CRL.M.C. 4494/2017, ***“SUDESH MAAN & ANR. VS. THE STATE GOVT OF NCT OF DELHI & ANR”*** in CRL.M.C. 5181/2017 and in ***“RAVINDER KUMAR VS. THE STATE GOVT OF NCT OF DELHI & ANR”*** in CRL.M.C. 242/2018, and in view of the verdict of the Apex Court in ***“SURESH GANPATI HALANKAR VS. THE STATE OF MAHARASHTRA & ORS”*** dated 22.01.2018 in CRL.A. 156/2018; and in view of the verdict of judgment of this Court in ***“ATIF RAZA VS. STATE (NCT OF DELHI) & ANR.”*** In CRL. M.C. 4421/2017 and in ***“MOHD. ASLAM VS. STATE GOVT OF NCT OF DELHI & ANR”*** in CRL.M.C. 1232/2018, it is considered appropriate to allow the prayer made by the petitioner nos. 1 to 3 seeking quashing of the FIR No. 710/14, PS Okhla Industrial Area under Section 135 of the Indian Electricity Act, 2003 against the petitioner nos. 1 to 3 and CRL.M.C. 326/2018

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thus FIR No. 710/14, PS Okhla Industrial Area under Section 135 of the Indian Electricity Act, 2003 and all consequential