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

+ **CRL.M.C. 607/2018**

RAKESH CHOUDHARY

..... Petitioner

Through **Mr. N.K. Nagar, Adv.**

versus

THE STATE GOVT OF NCT OF DELHI & ORS..... Respondent

Through **Mr. Izhar Ahmad, APP for State with SI
Nagender Nagar PS Sarita Vihar.**

**Mr. Sunil Fernandes, Standing Counsel
for BSES with Mr. Arnav Vidyarthi, Ms.
Anju Thomas, Ms. Nupur Kumar, Advs.**

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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25.04.2018

Vide the present petition, the petitioner seeks quashing of FIR No. 312/12, registered at PS Sarita Vihar, under Sections 135 of The Indian Electricity Act, 2003 read with Section 379 of the Indian Penal Code, 1860 submitting to the effect that pursuant to the settlement arrived at between the petitioner and the respondent no. 2 qua the theft bill amount of Rs.1,40,233.12 issued on 11.09.2012, the petitioner has deposited the settled amount of Rs.91,200/- on 09.12.2017 and the NOC dated 09.12.2017 has also been issued.

On 05.02.2018, learned counsel for the respondent no. 2 had sought time to verify the averments in relation to the NOC stated to have been issued

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by the respondent no. 2. It has now been submitted on behalf of the respondent no. 2 that the said NOC dated 09.12.2017 in relation to the Bill No. AGENR110920120014A0 in relation to case I.D. RJ060912SA064 has been so issued by the respondent no. 2 and that the respondent no. 2 itself does not oppose the prayer made by the petitioner seeking quashing of the FIR. To the similar effect is the submission made on behalf of the State.

The offence punishable under Section 379 Indian Penal Code, 1860 in terms of Section 320 Cr.PC, 1973 is compoundable and the offence punishable under Section 135 of the Indian Electricity Act, 2003 is also compoundable in terms of Section 152 of the said enactment.

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 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, in “**SATISH KUMAR**
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& ORS. VS. THE STATE OF DELHI & ANR” in CRL.M.C.326/2018 and in view of the submissions made on behalf of the respondents submitting that there is no opposition to the prayer and also no dues certificate dated 09.12.2017 having been issued by the respondent no. 2, it is considered appropriate as no useful purpose would be served by continuing the proceedings anymore in relation to the FIR No. 312/12, registered at PS Sarita Vihar, under Sections 135 of The Indian Electricity Act, 2003 read with Section 379 of the Indian Penal Code, 1860 to allow the prayer made and thus the FIR No. 312/12, registered at PS Sarita Vihar, under Sections 135 of The Indian Electricity Act, 2003 read with Section 379 of the Indian Penal Code, 1860 and all consequential proceedings emanating therefrom against the petitioner are thus quashed.

The petition is disposed of accordingly.

ANU MALHOTRA, J

APRIL 25, 2018/MK