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

+ CRL.M.C. 3137/2018

SYED SAHID ALI

..... Petitioner

Through Mr.Mohan Kumar, Adv.

versus

GOVT OF NCT OF DELHI & ANR

..... Respondent

Through Mr.Mukesh Kumar, APP with ASI
Ashok Kumar, PS Jamia Nagar.
Mr.Sunil Fernandes, S.C. for BSES.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **20.11.2018**

1. Vide the present petition u/s 482 CrPC, the petitioner seeks quashing of FIR No.635/2017 u/s 135 Indian Electricity Act, 2003 registered at PS Jamia Nagar on the basis of settlement dated 09.12.2017 arrived at between the parties under the aegis of Delhi State Legal Services Authority, Special Lok Adalat.

2. Mr.Mohan Kumar, learned counsel for the petitioner submits that the petitioner is a law abiding citizen and has been residing at D-219, Abul Fazal Enclave Part-I, Jamia Nagar, Delhi for the last 22 years. He submits that on 05.06.2016, due to a short circuit in the main electricity wire, the main connection was disconnected and the petitioner without realising that it would amount to theft of electricity, connected his home's electricity wire directly with the adjacent electric poll. He further submits that though the petitioner informed

the electricity Department himself about the short circuit, but upon a joint inspection carried out on 06.06.2016, the respondent no.2/BSES Rajdhani Power Ltd. came to a conclusion that the petitioner's action amounted to theft of electricity.

3. Mr.Mohan Kumar submits that the petitioner was not available at the time of inspection and, therefore, could not explain his position to the inspecting team. He submits that based on a complaint filed by the Inspecting Team of BSES, the aforesaid FIR was registered.

4. Mr.Mohan Kumar further submits that the petitioner has, however, settled the matter with the respondent no.2 in the Special Lok Adalat on 09.12.2017 and has paid the entire agreed amount of Rs.63,000/-. He further submits that the petitioner is willing to bear costs as may be directed by this Court and prays that the FIR and all consequential proceedings emanating therefrom be quashed.

5. The petitioner is present in Court and has been identified by the Investigating Officer. The respondent no.2 is represented by its Standing Counsel, who does not oppose the present petition.

6. I have considered the submissions of the learned counsel for the parties and perused the record. Keeping in view the explanation given by the petitioner which can be stated to be wholly impossible and the settlement arrived at before the Special Lok Adalat, no useful purpose would be served in continuing with the criminal proceedings. The ends of justice demand that the captioned FIR and consequent proceedings emanating therefrom be quashed.

7. Accordingly, the present petition is allowed and the captioned FIR and all the consequential proceedings emanating therefrom are

quashed, subject to the petitioner depositing a sum of Rs.10,000/- to the Delhi High Court Staff Welfare Fund within four weeks. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

8. The petition alongwith the pending application is disposed of in the above terms.

REKHA PALLI, J

NOVEMBER 20, 2018

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