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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3317/2018**
MASOOD MOHAMAD AMAN Petitioner
Through: Mr. N. K. Naagar, Advocate.
versus

THE STATE (NCT) OF DELHI & ORS. Respondents
Through: Mr. Arun Kumar Sharma, APP for
State with SI Rajender Singh, P.S.
Malviya Nagar.
Mr. Sunil Fernandes, St. Counsel for
BSES-RPL with Ms. Nupur Kumar,
Ms. Anju Thomas & Mr. Arnav
Vidyarthi, Advocates.

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

ORDER
% **06.07.2018**

CRL.M.A. 12015/2018 (exemption)

Allowed, subject to all just exceptions.

CRL.M.C. 3317/2018

The petitioner is accused of stealing electrical energy and consequent to the complaint of BSES Rajdhani Power Limited, FIR no. 548/2015 was registered by Police Station Malviya Nagar for investigation into the offence under Section 135 of Indian Electricity Act, 2003. The petitioner seeks quashing of the said FIR on the ground that he has paid the penalty which is in the nature of civil liability arising out of the very same acts as constitute the criminal offence.

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 petition is dismissed.

R.K.GAUBA, J

JULY 06, 2018

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