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

+ **CRL.M.C. 4076/2018**

RAJ KUMAR SHARMA Petitioner

Through Ms.Kirti Ahuja, Adv.

versus

THE STATE OF NCT DELHI & ANR. Respondent

Through Ms.Manjeet Arya, APP with SI Ajit Singh, PS Mehrauli.

Mr.Sunil Fernandes, S.C. with Mr.Arnav, Adv for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **25.10.2018**

1. Vide the present petition, the petitioner seeks quashing of FIR No.0669/2017 registered u/s 135 of the Indian Electricity Act at P.S. Mehrauli and all consequential proceedings emanating from the said FIR.
2. Ms.Ahuja, learned counsel for the petitioner submits that the captioned FIR is based on a complaint dated 21.06.2017 alleging that at the time of joint inspection of the petitioner's premises by the officials of the respondent no.2, it was found that the petitioner was indulging in theft of electricity by way of tapping with the service cable without using the meter. She submits that the petitioner was residing with his family members in the said premises and is not aware as to whether any of his family members was responsible for the aforesaid activities.
3. Ms.Ahuja submits that the petitioner has now settled the matter with the respondent no.2 in the National Lok Adalat on 09.09.2017 and paid all charges demanded by the respondent no.2 and therefore, prays that the FIR and all consequential proceedings emanating therefrom, be quashed.

4. The petitioner is present in Court and has been identified by the I.O.
5. Learned counsel for the respondent no.2 does not dispute the fact that the matter was settled in the Lok Adalat, wherein both the petitioner and the respondent no.2 had agreed to not only settle their disputes but the respondent no.2/BSES Rajdhani Power Ltd. had agreed that it will withdraw all cases pending against the petitioner as also withdraw the complaint, if already filed, after receiving the entire settlement amount. He therefore does not have any objection to the quashing of the captioned FIR and all consequential proceedings emanating therefrom.
6. I have considered the submission of the learned counsel for the parties and perused the records. Even though I am of the considered view that a case of theft of electricity needs to be dealt sternly but keeping in view the fact that the petitioner was living in a village and he claims that he was not aware of the theft being committed by some of his family members and the matter already stands settled between the parties no useful purpose will be served in continuing with the criminal proceedings.
7. Accordingly, in the interest of justice, the petition is allowed and the captioned FIR and all consequential proceedings emanating therefrom, are quashed subject to the petitioners paying a sum of Rs.10,000/- to the Delhi High Court Advocates Welfare Trust within five days from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer, who will produce the same before the Trial Court.
8. The petition is disposed of in the above terms.

REKHA PALLI, J

OCTOBER 25, 2018/sr