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

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Judgment delivered on: 24.08.2018

+ CRL.M.C. 4265/2018

JACKY VERMA AND ANR

..... Petitioners

versus

STATE & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioners : Mr. Simranjeet Singh, Advocate.

For the Respondent: Mr. Kamal Kumar Ghai, APP for the State
with SI Ravi Yadav, PS Kotla Mubarakpur.
Mr. Sunil Fernandes, Standing Counsel, BSES RPL
with Mr. Arnav Vidyarthi, Adv. for R-2
Mr. Pradeep Baisoya, Assistant Manager-Legal,
BSES-RPL

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

24.08.2018

SANJEEV SACHDEVA, J. (ORAL)

CRL.M.C. 4265/2018 & CRL.M.A 30569/2018 (stay)

1. The petitioners seek quashing of FIR No.247/2017 under Section 135 of the Indian Electricity Act, 2003, Police Station Kotla Mubarakpur, New Delhi, based on a settlement.

2. Prayer is made for exemption from personal appearance of the petitioner No.2. It is contended that on account of some personal difficulty, petitioner No.2 could not be present in Court. He had filed his affidavit in support of the petition.

3. In view of the above, petitioner No. 2 is exempted from personal appearance.

4. The subject FIR was registered for theft of electricity consequent to a raid that had taken place in the premises of the petitioners where direct theft was found. A direct theft bill of Rs.2,62,321/- was raised. Thereafter petitioners approached the respondents and the parties had settled their disputes. It was agreed that a total amount of Rs.1,13,951.50 shall be paid by the petitioners. The said amount has been paid and a No Dues Certificate dated 22.09.2017 has been issued.

5. Mr. Pradeep Baisoya, authorised representative of the respondent No.2 is present in Court in person. He submits that the respondent No.2 has settled the disputes with the petitioners and has received the entire settlement amount of the theft bill. He has instructions to state that the respondent No.2 has no objection to the quashing of the subject FIR and the consequent proceedings as the respondent No.2 has received the said settlement amount of Rs.1,13,951.50.

6. In view of the fact that the parties have resolved their disputes and respondent No. 2 does not wish to press its complaint, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating there from.

7. In view of the above, the petition is allowed. FIR No.247/2017 under Section 135 of the Indian Electricity Act, 2003, Police Station Kotla Mubarakpur, New Delhi and the consequent proceedings emanating there from are quashed.

8. Order *Dasti* under the signatures of the Court Master.

AUGUST 24, 2018
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SANJEEV SACHDEVA, J