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

+ CRL.M.C. 4476/2018 and CrI.M.A.31366/2018

SALEEM AHMED

..... Petitioner

Through: Mr. V.K. Sharma, Advocate with
petitioner in person.

Versus

STATE & ORS

..... Respondents

Through: Mr. Ravi Nayak, APP for the State
with SI Brahampal Singh, PS Malviya
Nagar.
Mr. Sunil Fernandes, Standing
Counsel for BSES/RPL with
Ms. Anju Thomas, &
Mr. Arnav Vidyarthi, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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05.09.2018

The case FIR No.548/2015, under Section 135 of the Electricity Act, 2003 of Police Station Malviya Nagar, involves theft of electrical energy. The prayer by the petition at hand presented under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) is for quashing of the FIR on the ground that the petitioner has already paid penalty, which is in the nature of civil liability.

Similar petition of co-accused, it being CrI.M.C.3317/2018, titled *Masood Mohamad Aman vs. The State (NCT) of Delhi & Ors.*, was dismissed by this court by order dated 06.07.2018 with reference to the ruling of the Supreme Court in *Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and Others v. State of Gujarat and Another*, (2017) 9 SCC 641.

The said decision and the reasoning set out therein squarely apply to the matter at hand. It may be reiterated that the theft of electrical energy is also an economic offence involving financial and economic well being of the State and has implications which lie beyond the domain of mere dispute between the private disputants.

It may also be added that as observed in *Central Bureau of Investigation vs. Maninder Singh, 2016 (1) SCC 389*, such offence committed that designedly with an eye on personal wrongful gain regardless of consequences to the society at large, do not fall in the category where the court should exercise the inherent power to bring an end to the prosecution, such exercise of power being in the nature of “*misplaced sympathy*” at the cost of society at large.

The petition and the application filed therewith are dismissed.

R.K.GAUBA, J.

SEPTEMBER 05, 2018

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