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

+ **CRL.M.C. 4088/2018**

RAJ SINGH & ANR

..... Petitioner

Through

Mr.Sahil Talwar, Adv. with
petitioners in person.

versus

STATE & ANR.

..... Respondent

Through

Mr.Raghuvinder Verma, APP with
ASI Mahavir Singh, P.S. Neb Sarai.
Mr.Annirudh Sharma with Ms.Shriya
Chanda, Advs for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **03.12.2018**

1. Vide the present petition u/s 482 Cr.P.C, the petitioners seek quashing of FIR No.763/2014 u/s 135 of the Indian Electricity Act, 2003 registered at PS Neb Sarai, New Delhi, on the basis of a settlement arrived at between the parties.

2. Learned counsel for the petitioners submits that the petitioners are law abiding citizens who reside at House No.562, Right Side, Village Devli, New Delhi. After duly applying for an electricity meter, the petitioners were under an apprehension that as and when the meter is installed, they would be paying for the electricity consumed by them even before the installation of the meter. However, before the meter could be installed in the petitioners'

premises, a surprise inspection of their premises was carried out by the inspecting team of respondent no.2 on 05.08.2014, wherein it was alleged that the petitioners were using electricity without any meter. An assessment bill of Rs.1,92,900/- was thereafter issued to the petitioners on the premise that the petitioners were stealing electricity. Thereafter, based on a complaint filed by respondent no.2, the aforesaid FIR was registered against the petitioner.

3. Learned counsel for the petitioners submits that keeping in view the fact that the petitioners were always inclined to pay the electricity charges, they entered into an amicable settlement with respondent no.2/BSES Rajdhani Power Ltd. and paid the entire sum of Rs. 1,92,900/- whereafter, the respondent no.2 has issued a 'No Dues Certificate' in favour of the petitioners. He further submits that the petitioners are willing to bear any costs as may be directed by this Court and, therefore, prays that the FIR and all consequential proceedings be quashed.

4. The petitioners are present in Court and has been identified by the Investigating Officer.

5. Issue notice. Mr.Annirudh Sharma, Advocate accepts notice and does not oppose the petition. He states that keeping in view the fact that respondent no.2 has entered into an amicable settlement with the petitioner and the petitioner has deposited the entire sum of Rs.1,92,900/-, the respondent no.2 also does not want the criminal proceedings to continue and therefore, prays that the FIR and all consequential proceedings be quashed.

5. I have considered the submissions of the learned counsel for the

parties and perused the record. Even though I am of the view that the theft of electricity should be treated sternly, keeping in view the explanation given by the petitioners which cannot be stated to be wholly improbable as also considering the fact that the parties have arrived at a settlement, no useful purpose would be served in continuing with the aforesaid criminal proceedings. The ends of justice demand that the captioned FIR and proceedings emanating therefrom be quashed.

6. Accordingly, the present petition is allowed and the captioned FIR and all the proceedings emanating therefrom are quashed, subject to the petitioners depositing a sum of Rs.20,000/- to the Home for Leprosy & T.B. Affected Beggars, Tahir Pur, Shahdara, Delhi-110093 within three weeks. A copy of this order be sent to the Superintendent, Home for Leprosy and T.B. Affected Beggars, Tahir Pur, Delhi-110093 for information. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

7. The petition is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 03, 2018

gm