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

+ **CRL.M.C. 4103/2018**

SATISH KUMAR

..... Petitioner

Through: Mr.Sahil Talwar, Adv. with petitioner
in person.

versus

STATE & ANR.

..... Respondents

Through: Mr.Raghuvinder Verma, APP for teh
State with ASI Mahavir Singh, PS
Neb Sarai.
Ms.Shriya Chanda & Mr.Annirudh
Sharma, 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 petitioner seeks quashing of FIR No.762/2014 u/s 135 of the Indian Electricity Act, 2003 registered at PS Neb Sarai, New Delhi, on the basis of a settlement dated 10.12.2017 arrived at between the parties.

2. Learned counsel for the petitioner submits that the petitioner is a law abiding citizen who resides at House No.562, Left Portion Front Side, Village Devli, Bank Colony, New Delhi. After duly applying for an electricity meter, he was under an apprehension that as and when the meter is installed, he would be paying for the electricity consumed by him even before installation of the meter. However,

before the meter could be installed in the petitioner's premises, a surprise inspection on 24.08.2018 of his premises was carried by respondent no.2 team wherein it was alleged that he was using electricity without any meter. An assessment bill of Rs.3,33,999/- was issued on the premise to the petitioner alleging that he was 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 petitioner submits that keeping in view the fact that the petitioner was always inclined to pay the electricity charges, he entered into an amicable settlement with respondent no.2/BSES Rajdhani Power Ltd. and paid the entire agreed sum of Rs.2,83,900/- whereafter, the respondent no.2 has issued a 'No Dues Certificate' in favour of the petitioner. He further submits that the petitioner is also 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 petitioner is present in Court and has been identified by the Investigating Officer.

5. Issue notice. Ms.Shreya Chanda, Advocate accepts notice and does not oppose the petition. She 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 agreed amount of 2,83,900/-, 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 petitioner 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 petitioner depositing a sum of Rs.20,000/- to the Home for Leprosy & T.B. Affected Beggars, Tahir Pur, Shahdara, Delhi-110 093 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