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

\+ W.P.(CRL) 2242/2017 and Crl. M.A. Nos. 12632/2017 and 13820/2017

ANIL TYAGI & ANR ..... Petitioners

Represented by: Mr. Radhika Chanchal, Advocate.

versus

STATE & ANR ..... Respondents

Represented by: Mr. Avi Singh, Additional Standing Counsel for State, Mr. Shashank Vaccher, Advocate with SI Gopal and HC Satvinder, PS Mehrauli.
Mr. Sunil Fernandes, Standing Counsel for BSES RPL with Mr. Arnav Vidyarthi and Ms. Anju Thomas, Advocates.

CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA

O R D E R

% 04.05.2018

1. By this petition, petitioner seeks quashing of FIR No.1125/2016 under Section 135 of the Indian Electricity Act (Amend) 2003 registered at PS Mehrauli, Delhi on the ground that for the same cause of action FIR No.3385/2015 was earlier got registered by respondent No.2 and a settlement had been arrived at in the said FIR between petitioner and respondent No.2 whereafter FIR No. 3385/2015 and the proceedings pursuant thereto were quashed.

2. As per the status reports, now handed over by the State and BSES, which are taken on record, on this inspection carried out on 28th September,

2015 at Farm No. 13, Ground Floor, Khasra No. 1769/2, Pine Drive, DLF Chattarpur, New Delhi, based on theft case ID No. RS280915CD214 FIR No.3385/2015 was registered at PS Mehrauli. FIR No. 3385/2015 was quashed by this Court in Writ Petition (Crl) No. 300/2017 on 23rd March, 2017 after BSES issued a no dues certificate. As per the status report handed over by BSES though FIR No. 1125/2016 has been registered on the complaint of Yogesh Kumar Arora, Assistant Manager, BSES at PS Mehrauli mentioning case ID No. RS280815CD214, however, there is no existence of theft case ID No. RS280815CD214 on the basis of which FIR No.1125/2016 was registered.

3. In view of the status report filed by respondent No.2 and their clarification to respondent No.1 on the basis of which cancellation report has been filed in case FIR No.1125/2016 before the Court of competent jurisdiction, no further orders are required to be passed by this Court. However, in case the learned Magistrate takes action against the petitioner on the basis of the cancellation report the petitioner would be at liberty to revive this petition.

4. Considering that the petitioner has been in convenienced by registration of two FIRs for the same cause of action. Respondent No.2 is directed to conduct a thorough inquiry as to how on a different ID another complaint was sent under the signatures of their officers on the basis of which second FIR was registered against the petitioner and file a report before the learned Metropolitan Magistrate within four weeks from today.

5. Petition and applications are disposed off.

MUKTA GUPTA, J.

MAY 04, 2018/'vn'