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

+ **CRL.M.C. 5527/2018**

UDAL SINGH & ANR

..... Petitioners

Through: Mr.Himanshu Kaushik with
Mr.Harish Kaushik, Mr.Mohit
Gemini & Mr.Mohd. Mohsin Raja,
Advs. with petitioners in person.

versus

STATE (GOVT OF NCT OF DELHI) & ANR Respondents

Through: Mr.Mukesh Kumar, APP for the
State.
Mr.Sunil Fernandes, Standing
Counsel for BSES with Mr.Arnav
Vidyarthi, Adv. for R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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30.10.2018

1. Vide the present petition, the petitioner seeks quashing of FIR No.166/2015 u/s 135 of the Indian Electricity Act registered at P.S. Neb Sarai and all consequential proceedings emanating from the said FIR.

2. Learned counsel for the petitioners submits that pursuant to a raid by the inspection team of BSES Rajdhani Power Ltd./respondent no.2 at their premises i.e. H.No.A-166, Khasra No.286, Plot No.487, Devli Road, Devli, New Delhi, it was found that the petitioners were indulging in theft of electricity from a BSES Pole with the help of

illegal wires whereafter pursuant to a complaint by respondent no.2, the aforesaid FIR was registered against the petitioners on 08.02.2015.

3. Learned counsel for the petitioners submits that the petitioners were not aware that they were indulging in theft as they were taking electricity directly from the Pole as per the advice of some neighbours. He submits that immediately upon being asked, the petitioners paid the dues as demanded by the respondent no.2 under a One-Time settlement Scheme in December, 2014 itself, having deposited a sum of Rs.2,51,750/- with the respondent no.2 on 18.12.2014 i.e. even before the registration of the FIR. He, therefore, prays that the aforesaid FIR and all proceedings emanating therefrom be quashed.

4. Issue notice. Learned counsel for the respondent no.2 accepts notice and fairly does not oppose the petition and concedes that the petitioners have paid the due amount to the respondent No.2 under the One Time Settlement Scheme in December, 2014. He, therefore, does not have any objection to the quashing of the captioned FIR and all proceedings emanating therefrom. The learned APP also does not oppose the petition.

5. The petitioners are present in Court and have been identified by the Investigating Officer.

6. I have considered the submissions of the learned counsel for the parties and perused the records. Even though I am of the considered view that a case of theft of electricity needs to be dealt with sternly but keeping in view the fact that the matter already stands settled between the parties and the due amount was paid by the petitioners

and accepted by respondent no.2 even before the registration of the FIR, no useful purpose will be served in continuing with the criminal proceedings.

7. Accordingly, in the interest of justice, the petition is allowed and FIR No.166/2015 u/s 135 of the Indian Electricity Act registered at P.S. Neb Sarai and all consequential proceedings emanating therefrom are quashed subject to the petitioners paying a sum of Rs.10,000/- to the Delhi Police Martyr's Fund, A/c No.18200110036907, UCO Bank, Delhi, IFSC Code UCBA0001820 within two weeks from today. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the learned Trial Court.

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

REKHA PALLI, J

OCTOBER 30, 2018

gm