

\$~29

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

+ CRL.M.C. 6069/2018 & CrI.M.A. Nos.48494/2018 (Exemption) &
CrI.M.A. No.48495/2018

ASHOK KUMAR Petitioner
Through Mr.Shashi Shankar, Adv. with
petitioner in person.

versus

STATE & ANR. Respondents
Through Mr.Mukesh Kumar, APP for the
State with ASI Mahavir Singh, PS
Neb Sarai.
Mr.Deepak Pathak, Adv. for R-2.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
% **03.12.2018**

1. Vide the present petition u/s 482 CrPC, the petitioner seeks quashing of FIR No.442/2017 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 under the aegis of the Delhi State Legal Services Authority, Special Lok Adalat.
2. Mr.Shashi Shankar, learned counsel for the petitioner submits that the petitioner is a law abiding citizen who resides at B-133, Ground & First Floor, Front Side, Jawahar Park, Khanpur, New Delhi. After duly applying for an electricity meter and under the bona fide belief that he, as and when the meter is installed, would also

be paying for the said electricity consumed by him, the petitioner connected his home's electricity wire directly with the adjacent electric pole without realising that it would amount to theft of electricity. On 17.05.2017, the respondent no.2/BSES Rajdhani Power Ltd. issued an assessment bill of Rs.2,97,177/- to the petitioner, alleging that he was stealing electricity. Thereafter, based on a complaint filed by the Inspecting Team of BSES, the aforesaid FIR was registered.

3. Mr. Shankar submits that since the petitioner did not ever intend to steal electricity, he had without any protest, entered into a settlement with the respondent no.2 on 10.12.2017 itself under the aegis of the Delhi State Legal Services Authority, Special Lok Adalat. Pursuant thereto, the petitioner has paid the entire agreed amount of Rs.1,48,000/- to the respondent no.2, which clearly shows that he never intended to indulge in any theft. He further submits that the petitioner is 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. Mr. Deepak Pathak, learned counsel for the respondent no.2, does not dispute the aforesaid contentions of the learned counsel for the petitioner and states that the respondent no.2 has no objection to the criminal proceedings being 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 the settlement arrived at by the parties before the Special Lok Adalat, 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.10,000/- to the Home for Leprosy & T.B. Affected Beggars, Tahir Pur, Shahdara, Delhi-110 093 within four weeks. A copy of this order be sent to the Superintendent, Home for Leprosy & T.B. Affected Beggars 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 alongwith the pending applications is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 03, 2018/aa