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

+ CRL.M.C. 4421/2017 & CRL.M.A. 17725/2017

ATIF RAZA

..... Petitioner

Through: Mr. Sanjeev Bhatia, Advocate.

versus

STATE (NCT OF DELHI) & ANR

..... Respondent

Through: Mr. Izhar Ahmad, APP for State with
SI Bhagwan Singh, PS Jamia Nagar.
Mr. Raghav Chadha, Adv with Mr.
Pradeep Baisoya, AR for R-2/BSES.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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07.02.2018

Vide the present petition, the petitioner seeks quashing of the FIR no. 321/15, PS Jamia Nagar under Section 135 of the Indian Electricity Act, 2003 and also Section 379 of the Indian Penal Code, 1860, which is indicated to have been registered on the basis of a complaint made in relation to stated direct theft of electricity directly tapped from the BSES Distributors box in relation to the case ID no. RJ 050914SC007 wherein it has been mentioned that there was a civil liability assessed of amount of Rs. 1,15,641/- against the petitioner with it having been submitted on behalf of the petitioner now through the petition that the matter has since been settled between the petitioner and the respondent no. 2 submitting to the effect that after raids were conducted by the BSES, two demand bills had been raised,

firstly for an amount of Rs. 1,31,096/- with respect to bill No. AGENR160720140051A0 dated 16.07.2014 and another bill for an amount of Rs. 1,17,377/- with respect to bill no. AGENR110920140011A0 dated 16.01.2015 and thereafter adjustment in commutations by the BSES with respect to the bill dated 16.07.2014, on 19.12.2014 a payment of Rs. 71,310/- was made and the receipt in relation thereto was issued bearing no. 40032155980.

As submitted through the petition and as not refuted on behalf of the respondent no. 2 again after adjustment in commutations by the respondent no. 2 with respect to the second bill amounting to Rs. 1,17,377/- with respect to the bill No. AGENR110920140011A0 dated 16.01.2015, the petitioner had made a payment of a sum of Rs. 17,675/- through a demand draft bearing no. 239544 dated 15.01.2015 drawn on the ICICI Bank, New Friends Colony, New Delhi and it has further been submitted on behalf of the respondent no. 2 that a further sum of Rs. 200/- was also paid by the petitioner on 19.01.2015 and a No Dues Certificate in relation thereto was issued, copy of which has now been submitted on behalf of the respondent no. 2 and thus it has been submitted on behalf of the petitioner and the respondent no. 2 that in relation to both the raids, the petitioner has cleared the outstanding amount due on him and in terms of the full and final settlement arrived at between the petitioner and the respondent no. 2 and furthermore, in view of the verdict of this Court in “**NARESH JHANJHI & ANR VS. STATE OF NCT OF DELHI & ANR**” in CRL.M.C. 4179/2015, “**SHIV CHARAN VS. THE STATE & ANR**”

in CRL.M.C. 3176/2015, “**RAJESH KUMAR VS. THE STATE GOVT OF NCT OF DELHI & ANR**” in CRL.M.C. 4494/2017, ‘**SUDESH MAAN & ANR. VS. THE STATE GOVT OF NCT OF DELHI & ANR**” in CRL.M.C. 5181/2017 and in “**RAVINDER KUMAR VS. THE STATE GOVT OF NCT OF DELHI & ANR**” in CRL.M.C. 242/2018, and in view of the verdict of the Apex Court in “**SURESH GANPATI HALANKAR VS. THE STATE OF MAHARASHTRA & ORS**” dated 22.01.2018 in CRL.A. 156/2018; as the offence punishable under Section 135 of the Indian Electricity Act, 2003 is compoundable in terms of Section 152(2) of the said enactment, and the No Dues Certificate issued on behalf of the respondent no. 2 to the petitioner and the non-opposition on behalf of the State as well and the factum that the offence punishable under Section 379 of the Indian Penal Code, 1860 is also compoundable in terms of Section 320(2) of the Cr.P.C. 1973 and in view of the submissions on behalf of the petitioner and the respondent no. 2, there is no impediment to the prayer made by the petitioner seeking quashing of the FIR in question.

In view thereof, the FIR no. 321/2015, PS Jamia Nagar under Section 135 of the Indian Electricity Act, 2003 and Section 379 of the Indian Penal Code, 1860 is thus quashed.

The petition is disposed of.

ANU MALHOTRA, J

FEBRUARY 07, 2018
NC

Item No. 5
CRL.M.C. 4421/2017
ATIF RAZA VS. STATE & ANR.

**CW-1 MR. PRADEEP BASOYA, ASSISTANT MANAGER, BSES
RAJDHANI POWER LTD.**

ON S.A.

I have brought my original identity card issued by the BSES Rajdhani Power Ltd. and is ID no. 41018374, photocopy of which is Ex. CW1/A and General Power of Attorney in my favour executed on behalf of the respondent no. 2 is Ex. CW1/B. On behalf of the respondent no. 2, I state that in relation to case ID no. RJ050914 SC007 in relation to the petitioner- Atif at address F-153/1 S/F Back Portion, there are no dues left in relation to bill No. AGENR110920140011A0. There is no opposition thus to the quashing of the FIR. In view thereof, on behalf of the respondent no. 2, BSES Rajdhani Power Ltd., I state that there is no opposition to the prayer made by the petitioner seeking quashing of the FIR no. 321/15, PS Jamia Nagar, under Section 135 of the Indian Electricity Act, 2003 and Section 379 of the Indian Penal Code, 1860.

RO & AC
FEBRUARY 07, 2018.

ANU MALHOTRA, J