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

+ CRL.M.C. 6422/2018 & CRL.M.A. 49897-49898/2018

AZHAR ALI

..... Petitioner

Through Mr.Aamer Ahmed Madni, Adv.

versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Through Mr. Sanjeev Sabharwal, APP for State
Mr. Sunil Fernandes, Standing
Counsel for BSES RPL with Mr.
Arnav Vidyarthi and Ms. Priyansha
Indra Sharma, Advocates for R-2
SI Ved Prakash PS Malviya Nagar

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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17.12.2018

1. Vide the present petition u/s 482 CrPC, the petitioner seeks quashing of FIR No.388/2015 u/s 135 of the India Electricity Act, 2003 registered at P.S. Malviya Nagar, New Delhi.

2. Learned counsel for the petitioner submits that the petitioner was the owner of the right side of the property bearing no. T-37, Third Floor, Khidki Extension, Malviya Nagar, New Delhi. During a surprise inspection carried out by the respondent no. 2/ BSES Rajdhani Power Limited, it transpired that the petitioner was using electricity in the aforesaid premises without any meter and, therefore, a complaint was lodged by the respondent no.2 which led to the

registration of the captioned FIR.

3. Learned counsel for the petitioner submits that though the petitioner was the owner of the premises, he had rented out the same and was, thus, not aware that the tenant was using electricity without any meter as the tenant had assured him that he will get the electricity meter installed on his own. He further submits that in any event, the petitioner has now paid the entire amount due to the respondent no. 2, for which purpose learned counsel draws my attention to the “no dues certificate” issued by the respondent no. 2 on 04.05.2017. He also states that the petitioner is willing to bear any costs that may be directed by this Court and, therefore, prays that the FIR and all proceedings emanating therefrom be quashed.

4. The petitioner is present in Court and has been identified by the Investigating Officer. Mr. Sunil Fernandes, learned Standing Counsel for the respondent no. 2/BSES, 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 aforesaid 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 fact that the learned counsel for the respondent no. 2 categorically states that the said respondent has no objection to the quashing of the aforesaid criminal proceedings, 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 petition is allowed subject to the petitioner paying costs of Rs. 50,000/- to the BSF Welfare Fund in State Bank of India, account no. 10591438648, IFSC SBIN0007837.

7. A copy of the receipt of deposit of costs will be handed over to the Investigating Officer for production before the Trial Court.

8. The petition alongwith the pending application is disposed of in the above terms.

REKHA PALLI, J

DECEMBER 17, 2018/sk