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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.M.C. 4581/2015 & CRL.M.A. 5567-5568/2018
HARIRAM & ANR Petitioner
Through: Mr. N.K. Naagar, Adv.

versus

THE STATE (NCT) OF DELHI Respondent
Through: Mr. Raghuvinder Varma, APP for
State.
Mr. Sunil Fernandes, Standing
Counsel for BSES RPL/R-2.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **23.03.2018**

The matter is indicated to be listed for 23.07.2018 and is taken up on
Crl. M.A. 5567/2018, an application filed on behalf of the petitioner seeking
an early hearing

CRL.M.C. 4581/2015 & Crl. M.A. 5567/2018

In view of proceedings dated 15.03.2018 and 17.03.2018 in CIS No.
06782/16 before the Court of learned ASJ/Spl. Court(Elect) South, Saket
Courts indicate that the proceedings are now listed for final arguments for
the date 31.03.2018.

On behalf of the respondent nos. 1 & 2, the State and BSES Rajdhani
Power Limited, there is no opposition to the prayer made by the petitioner.
The matter is taken up for consideration in view of the submissions made
through the petition to the effect that the matter has already been settled
between the petitioner and the respondent no.2, which is also affirmed on
behalf of the respondent no.2 by learned counsel present who submits that

his authorization is on the record. The FIR in question is indicated to have been registered on the basis of a raid conducted on 19.01.2012 on the premises of the petitioner where they were found stealing electricity by illegal means and the FIR No. 55/2013 is indicated to have been registered under Section 135 of the Indian Electricity Act, 2003 and under Section 379 Indian Penal Code, 1860 pursuant to which a theft bill to the tune of Rs.5,54,671.14/- on the date 25.01.2012 was issued. As per the averments made in the petition, the matter was taken up in the Permanent Lok Adalat and vide order PLA-II/2144/2015 dated 30.10.2015 the matter was settled between the petitioner and the respondent no.2 and one-time instalment in terms of PLA had been deposited by the petitioner on 02.11.2015 and the balance amount had also been paid and No Dues Certificate in relation thereto was also issued by the respondent no.2.

Placed on record is the copy of the proceedings dated 30.10.2015 of the Court of Presiding Judge-PLA-II in the Permanent Lok Adalat in Case No. PLA-II/2144/2015 for Case ID RJ190112SAO44/KHP which indicate that qua the settlement of the DT bill of Rs.5,54,671.14 for non-domestic connection based on the inspection dated 19.01.2012 in case ID RJ: 190112SAO44, the bill has been settled for a sum of Rs.2,77,340/-, of which a sum of Rs.2,50,000/- was stated to have been paid subject to verification and the balance sum of Rs.27,340/- was paid by the petitioner on 10.11.2015. The No Dues Certificate placed on record as issued by the respondent no.2 on 02.11.2015 indicates that the said settled amount of Rs.2,50,000/- and the balance sum of Rs.27,340/- in terms of the order of the PLA dated 30.10.2015 has already been paid.

In view thereof, it has been submitted on behalf of the respondent

no.2 that there is no opposition to the prayer made by the petitioner seeking quashing of FIR in question. The offence punishable under Section 379 Indian Penal Code, 1860 in terms of Section 320 Cr.PC, 1973 is compoundable and the offence punishable under Section 135 of the Indian Electricity Act, 2003 is also compoundable in terms of Section 152 of the said enactment. 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; and in view of the verdict of this Court in **“ATIF RAZA VS. STATE (NCT OF DELHI) & ANR.”** in CRL. M.C. 4421/2017 and in **“MOHD. ASLAM VS. STATE GOVT OF NCT OF DELHI & ANR”** in CRL.M.C. 1232/2018, in **“SATISH KUMAR & ORS. VS. THE STATE OF DELHI & ANR”** in CRL.M.C.326/2018, in view of the settlement arrived at between the petitioner and the respondent no.2 and No Dues Certificate issued by the respondent no.2, it is considered appropriate to put a quietus to the litigation between the parties, the FIR No.55/2013, PS Pul Pahladpur, under Section 135 of the Indian Electricity Act, 2005 and under Section 379 Indian Penal Code, 1860 all consequential proceedings emanating therefrom against the petitioner are thus quashed.

The date 23.07.2018 stands cancelled.

The petition is disposed of accordingly.

ANU MALHOTRA, J

MARCH 23, 2018

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