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

Date of decision: 13.09.2019

+ CRL.M.C. 4599/2019

DARSHAN LAL

..... Petitioner

Through Mr. Lalit Kumar, Adv.

versus

STATE & ANR.

..... Respondents

Through Mr. Tarang Srivastava, APP for State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

J U D G M E N T (O R A L)

CRL.M.A. 35716/2019

1. Allowed, subject to all just exceptions.
2. This application is, accordingly, disposed of.

CRL.M.C. 4599/2019

3. Vide the present petition, the petitioner seeks quashing of FIR No. 597/2015 dated 13.07.2015, registered at Police Station Kalkaji for the offence punishable under Section 135 of The Electricity Act, 2003 and all other proceedings emanating therefrom.
4. Notice issued.

5. Notice is accepted by learned APP for the State and counsel for the respondent no.2 and with the consent of the counsel for the parties, the present petition is taken up for final disposal.

6. For the aforesaid purpose, the petitioner preferred a petition being Crl. M.C. No. 4261/2018 and the same was dismissed by the coordinate Bench of this Court vide order dated 24.08.2018 with the observation that that the *"....the payment of penalty towards the civil liability is no good reason to bring an end to the criminal prosecution...."*.

7. Recently in the case of ***Mukesh Chand vs. The State (NCT) of Delhi & Anr***, the appellant had filed an appeal before the Hon'ble Supreme Court vide Crl. Appeal No. 469-470 of 2019 arising out of Crl.M.C. No. 2757/2018 and the same was allowed vide order dated 12.03.2019 while remanding back the matter to this court with the direction to *"....examine the issue afresh keeping in view the provisions of section 152 of the Act and then pass appropriate orders...."*

8. Thereafter, coordinate bench of this Court in the Crl. M.C. No.2757/2018 quashed the FIR and all other proceedings emanating therefrom vide order dated 23.05.2019.

9. The present petition is filed on the ground that the parties have settled

their disputes and the respondent No.2 has no objection if the present petition is allowed.

10. Since the dispute is similar to the case of the CrI. M.C. No.2757/2018 and the fact that the settlement amount has been paid by the petitioner to respondent no.2 and respondent no.2 has issued no objection certificate, therefore, this Court is inclined to quash the concerned FIR as no useful purpose would be served in prosecuting the petitioners any further.

11. Learned APP appearing on behalf of State submits that while quashing the FIR in CrI.M.C. 2757/2018, the learned Court imposed a cost of ₹20,000/- on the petitioner and submits that if this Court is inclined to quash the FIR, then at least the cost to that amount should also be imposed upon the petitioner.

12. When the present matter came up, this Court asked the petitioner how much amount is there in his bank account. He replied that he is maintaining two bank accounts and almost no money is there. Then this Court directed the petitioner to produce the bank statements of his two bank accounts. On perusal of the statements, the amount is less than ₹10,000/-. Therefore, keeping in view the financial condition of the petitioner, I am not inclined to impose any cost upon the petitioner.

13. For the reasons afore-recorded, the FIR No.597/2015 dated 13.07.2015 registered at Police Station Kalkaji instituted for the offence punishable under Sections 135 of The Electricity Act., 2003 and consequent proceedings therefrom are quashed.

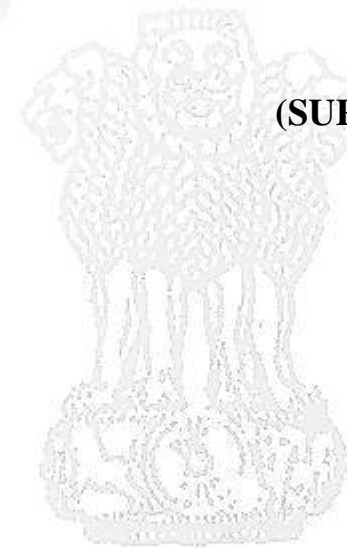
14. The petition is allowed accordingly.

15. Order *dasti*, under the signatures of Court Master.

(SURESH KUMAR KAIT)
JUDGE

SEPTEMBER 13, 2019

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न्यायमेव जयते