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

+ **CRL.M.C. 1125/2020**

ASHOK KUMAR TANWAR

..... Petitioner

Through: Ms. Jyoti Gupta and Mr. Sujit Kumar,
Advocates with petitioner in person.

versus

STATE & ANR

..... Respondents

Through: Ms. Rajni Gupta, APP for Mr.
M.S.Oberoi, APP for the State with SI
Ranjit Tokas, P.S.Kotla Mubarakpur.
Mr. Sunil Fernandes, Standing
counsel for BSES with Ms. Anju
Thomas, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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28.02.2020

Crl. M.A. No. 4416/2020 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 1125/2020

1. This is a petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. for quashing of FIR No.367/2017, under Section 135 Indian Electricity Act, registered at Police Station-K.M.Pur, New Delhi, and all proceedings emanating therefrom.
2. Notice. Learned APP for the State appears and accepts notice. Learned counsel for respondent no.2 appears and accepts notice.
3. The brief facts of the case are that on 12.10.2012, the BSES Inspection Team had raided the premises of the petitioner i.e.No.H-16,

Tyagraj Nagar, Prem Nagar, Near Babu Ram Dev Mandir, New Delhi, and had raised an assessment bill of theft for a sum of Rs.1,15,478/- and pursuant to complaint of respondent No.2 FIR No.367/2017, under Section 135 Indian Electricity Act, registered at Police Station-K.M.Pur, New Delhi, against the petitioner.

4. Learned counsel for the petitioner submits that the matter has been settled with respondent No.2/BSES for a sum of Rs.40,200/- and respondent No.2 has issued the No Dues Certificate. Counsel for the respondent no.2 confirms that the entire dues as per the settlement have been cleared by the petitioner and the 'No Due Certificate' in this regard has already been given. Respondent no.2 has no objection if the FIR in question is quashed.

5. Keeping in view the above facts and circumstances, since the matter has been amicably settled between the parties, no useful purpose will be served by keeping the case pending. It will be nothing but abuse of the process of law. Consequentially, this petition is allowed, subject to costs of ₹5,000/- to be deposited by the petitioner with the Delhi High Court Legal Services Committee within two weeks from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No.367/2017, under Section 135 Indian Electricity Act, registered at Police Station-K.M.Pur, New Delhi, and the proceedings emanating therefrom are hereby quashed.

6. The present petition stands disposed of accordingly. *Dasti.*

RAJNISH BHATNAGAR, J

FEBRUARY 28, 2020

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