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

+ **CRL.M.C. 1544/2022**

ANIL KUMAR TYAGI

..... Petitioner

Through: None.

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Ms. Subhi Gupta, APP for the State
with SI Vijay Dutt PS Laxmi Nagar.

Mr. Sanjeet Kr. Trivedi and Mr.
Manish Kumar Mishra, Advs. for
BSES

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Date of Decision: 24th May, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 Cr. PC seeking quashing of FIR No. 424/2020 registered at PS Laxmi Nagar, under Section 135/138/150 IPC.
2. Learned counsel for the respondent-BSES submits that the matter has already been settled in Lok Adalat proceedings held on 17.01.2021 on the following terms and conditions:

(i) *It is agreed that the consumer shall pay a total sum of Rs. 37800 (RUPEES THIRTY SEVEN THOUSAND EIGHT HUNDRED ONLY) inclusive of amount already paid in respect of above referred bill raised against the above mentioned case ID, towards full and final settlement of the above referred bill issued by BYPL. The payment schedule will be as under:*

- a) It is agreed and settled that Rs. 12800 shall be deposited by the consumer by 31.01.2021 and/or*
- b) The settlement amount will be paid in Q no. of equal Installments payable by the last day of the succeeding months, commencing from 31st Jan 2021 onwards. The above mentioned settlement amount may be paid by DD or Cash or Cheque.*
- c) Further, an extra rebate @10% of payment on settlement amount shall be given if full settlement payment is made by 24.01.2021, rebate shall be 5% in place of 10% If paid is full settlement amount after 24.01.2021 but on or before 31.01.2021 subject to no refund on paid amount.*

(ii) It is agreed that in view of the settlement arrived at, consumer shall not file any proceeding against BYPL in respect of the present bill before any Court of Law/Forum/Commission and withdraw all cases pending in any Court of Law/Forum/Commission In respect of settled case and BYPL shall not file any criminal complaint under Electricity Act. 2003, and shall issue NOC and withdraw the complaint If already filed before the Special Court of Electricity on receiving entire payment of settlement Including LPSC (as applicable)

(iii) It Is further agreed that in case consumer defaults in making the payment of any of the installments, he/she shall be liable to make the payment of the full amount of the Impugned bill forthwith and/or shall also be liable to pay LPSC on the outstanding amount @1.5% per month. The company shall also be at liberty to take all legal actions including lodging FIR and recovery of the full amount of the impugned bill (and not the settled amount), which shall include disconnection of electricity

connection without notice. PAN shall be necessary for the payment of above Rs. 50000.00.

(iv) It is further agreed that Petitioner shall apply for a new connection after completing the commercial formalities if no meter exists at the premises and shall be granted the same after payment of 1st Installment. In this case NOC shall be issued only after complete payment.

(v) Advocate/Petitioner/Consumer has stated that this case has neither been settled earlier by any court/Authority/Company nor decided finally by any Court/Forum. In case this statement is found to be false, this settlement shall be null and void and shall not be enforceable upon both the parties. The said settlement had been recorded without be any pressure, coercion and Undue Influence.”

3. It has been submitted that pursuant to the settlement, the settled amount has been paid and NOC has also been issued by respondent No.2-BSES.

4. Section 482 Cr.P.C. pre-supposes three circumstances under which the inherent jurisdiction may be exercised, i.e., (i) to give effect to an order (ii) to prevent the abuse of the process of court and (iii) to otherwise secure the ends of justice. The court while exercising the power under Section 482 Cr.P.C. does not function as a court of appeal or revision. The powers under Section 482 Cr.P.C., are of wide plenitude but have to be exercised sparingly with caution and only in the event when aforesaid three conditions are satisfied. The object behind the exercise of such power should be to do real and substantial justice for the administration of which the courts exist.

5. The Hon'ble Supreme Court and this court have always encouraged the amicable settlement between the parties. In **Gian Singh v. State of Punjab**, (2012) 10 SCC 303, **Narinder Singh v. State of Punjab**, (2014) 6 SCC 466

and *State of M.P. v.Laxmi Narayan & Ors.*, (2019) 5 SCC 688, the Apex Court has *interalia* held that that the criminal cases having overwhelmingly and predominantly civil flavour stand on a different footing for the purposes of quashing. These include offences arising from a commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. It has been held that in this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim.

6. I have heard the submissions made. I consider that the present is a fit case for quashing.

7. In view of the settlement arrived at between the parties, the petition is allowed and FIR No. 424/2020 registered at PS Laxmi Nagar, under Section 135/138/150 IPC and all the proceedings emanating therefrom are quashed.

DINESH KUMAR SHARMA, J

MAY 24, 2023

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