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

\+ CRL.M.C. 5909/2023

SANJAY TYAGI & ORS. ..... Petitioners

Through: Mr. Ankit Tyagi, Mr. M. Kumar Sharma, Advs. along with petitioners.

versus

STATE (GOVT. NCT OF DELHI) & ANR. ..... Respondents

Through: Mr. Digam Singh Dagar, APP for the State with ASI Manish Kumar, PS Harsh Vihar.

Mr. Sanjeet Kr. Trivedi, Adv. for R-2

% ***Date of Decision: 18th August, 2023***

CORAM:
HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

CRL.M.A. 22198/2023 (exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

CRL. M.C. 5909/2023

1. Present petition has been filed under Section 482 CrPC seeking quashing of case FIR No. 90/2021 dated 03.02.2021 under Sections 135/138/150 of Indian Electricity Act, 2003 registered at PS Harsh Vihar. The said FIR was lodged at the complaint of Sachin Dubey on behalf of the BSES Yamuna Power Ltd./ respondent No. 2.

2. As per the FIR it has been alleged that on 20.11.2020 one meter was replaced by MMG because of being burnt. It was suspected that the said meter was tampered with / externally burnt and thus was seized and sent to the meter testing lab, whereby, upon being tested a lot of parts such as meter plastic, hologram seals, all terminals, meter R1-45 communication port, meter display etc., all were found to be burnt. Thereafter, on 15.12.2020 an inspection was carried out by the officials of the respondent No. 2 whereupon the said meter was found at the site. The total connected load on the said meter was discovered to be to the extent of 5.905 KW for non-domestic purposes against the sanctioned load of 6KW. The inspection report, load report & seizure memo were prepared and presented before the Assessing Officer who after considering all the material and evidence on record and the consumption pattern, passed a speaking order on 21.12.2020 holding that the petitioners were dishonestly stealing the electricity without any authorisation/ permission by the complainant company and hence

committed theft of electricity. Thereafter the respondent No. 2/BSES assessed the demand to the tune of Rs. 1,70,185/- against the petitioners.

3. Basis the said allegations the present FIR was lodged. Petitioners were formally arrested and released on police bail. Chargesheet has been filed and the charges have been framed against the petitioners under sections 135/138/150 of the Indian Electricity Act. 2003.

4. Learned counsel for the respondent No.2/BSES submits that now BSES has settled the matter with the petitioners and the entire civil liability has been cleared. It has been submitted that as per the settlement it was agreed that the petitioners will pay Rs. 1,07,400/- towards full and final settlement to the respondent No. 2.

5. Ld. Counsel for the petitioner submits that the said amount of Rs. 1,07,400/- has already been paid to the respondent No. 2 vide DD No. 507676 dated 12.11.2021 which has been duly acknowledged by the respondent No. 2. The acknowledgment receipt has been placed on record. The copy of the 'No Dues Certificate' issued by the respondent No. 2 has also been placed on record.

6. I have heard the submissions and perused the records. Respondent No.2/BSES has already received the entire settled amount of Rs. 1,07,400/- and has filed the NOC in this regard. This Court considers that the dispute in the present case was predominantly of a civil flavour. The dispute has been amicably resolved and the civil liability

also stands cleared. Therefore, continuance of the present FIR and the subsequent proceedings emanating therefrom would serve no useful purpose and may cause prejudice to the petitioner and be an exercise in futility.

7. In view of the amicable resolution of dispute between the parties, the case FIR No. 90/2021 dated 03.02.2021 under Sections 135/138/150 of Indian Electricity Act, 2003 registered at PS Harsh Vihar and all the subsequent proceedings emanating therefrom are quashed.

8. Accordingly, the present petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 18, 2023
Pallavi