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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 4479/2024 & CRL.M.A. 16933/2024**

PANKAJ GAUR

.....Petitioner

Through: Mr. Shivam Gaur, Adv.
along with petitioner
through V.C.

versus

THE STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Ajay Vikram Singh,
APP for the State.
SI Himanshu, PS Jafrabad
Mr. Sanjeet Trivedi, Adv.
for BSES/R-2 through V.C

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.07.2024

CRL.M.A. 16934/2024

1. Exemptions allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present petition is filed seeking quashing of FIR No. 585/2022 dated 11.08.2022, registered at Police Station Jafrabad, for offences under Sections 135/138 of the Electricity Act, 2003 (**'the Act'**).
4. It is alleged that on 02.08.2021, a raid was conducted at the premises of the petitioner and at the time of inspection, no meter was found installed at the site and the petitioner was allegedly, indulged in direct theft of electricity and tampering with the electricity supply system of the complainant company.

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5. The present petition is filed on the ground that immediately after the FIR was registered on 11.08.2022, the matter was settled with Respondent No. 2 before the Delhi State Legal Services Authority National Lok Adalat on 21.08.2022 with the bill amount of ₹30,044.00/-, and the same was duly paid by the petitioner. Respondent No. 2 also issued a No Objection Certificate to that effect.

6. After investigation, chargesheet was filed under Section 135/138 of the Act against the petitioner and notice was framed under Section 135 of the Act against him.

7. The parties are present through video conferencing.

8. On being asked, Respondent No.2 states that the settled amount has been received and he does not wish to pursue any proceedings arising out of the present FIR, and has no objection if the proceedings are quashed.

9. Offences under Section 135/138 of the Act are compoundable in nature.

10. The Hon'ble Apex Court in the case of **Suresh Ganpati Halvankar v. The State of Maharashtra** [I.A. No. 117535 of 2017 in Cr. Appeal No. 156 of 2018 arising out of SLP (Crl.) No.3670/2017] has categorically held that the offences under Sections 135 and 138 of the Act are both compoundable by virtue of Section 152 of the Act. It was held as under :

“We are of the view that this is correct in law inasmuch as the language of Section 152 specifically states”an offence of theft” which according to Stroud's Judicial Dictionary, as well as Ramanatha Iyer's Law Lexicon, states that one meaning of 'an' is 'any'. If the word 'any' is substituted for the word 'an' in Section 152, it becomes clear that any offence relating to the theft of electricity is also within the ken of Section 152. Section 138 also relates to theft of electricity, be it through maliciously injuring meters, and is therefore also within Section 152, and can therefore be compounded.”

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11. Keeping in view the nature of dispute and that the parties have amicably entered into a settlement, this Court feels that no useful purpose would be served by keeping the dispute alive and continuance of the proceedings would amount to abuse of the process of Court. I am of the opinion that this is a fit case to exercise discretionary jurisdiction under Section 482 of the CrPC.

12. In view of the above, FIR No. 585/2022 and all consequential proceedings arising therefrom are quashed.

13. The present petition is allowed in the aforesaid terms.

14. Pending application also stands disposed of.

AMIT MAHAJAN, J

JULY 11, 2024
“SK”