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

+ **W.P.(CRL) 3879/2024**

MAHESH

.....Petitioner

Through: Mr. Anukul Adhana, Adv.

versus

STATE GOVT. NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing counsel
with Mr. Abhinav Kumar Arya, Ms.
Priyam Agarwal, Mr. Aryan
Sachdeva, Advs. with SI Naveen, PS
Jaitpur

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

12.12.2024

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CRL.M.A. 37453/2024

Exemption allowed, subject to all just exceptions.

The application is disposed of.

W.P.(CRL) 3879/2024

1. This is a petition filed under Article 226 of the Constitution of India read with section 528 of the Bhartiya Nagarik Sanhita, 2023 ('BNSS') seeking quashing of FIR No. 401/2024, dated 04.10.2024, registered at P.S. Jaitpur, Delhi under section 135 of Indian Electricity Act, 1910 and Section 379 of IPC, 1860 and all consequential proceedings emanating therefrom, if any.
2. Briefly stating the facts are that the FIR was registered on the complaint of respondent no. 2 whereby it was alleged that the petitioner was



involved in the theft of electricity by using illegal wire-tapping from the respondent no.2's service cable. It is stated that the petitioner was using the said electricity for non-domestic purposes and the total liability upon the petitioner amounts to Rs 1,75,209/-.

3. During the pendency of the proceedings, the parties have arrived at a settlement vide award passed by the Learned Permanent Lok Adalat-II in case no. PLA-II/8117/26.11.2024/RSVR on 26.11.2024, wherein the petitioner was to pay a sum of Rs. 1,00,000/- in full and final settlement of the impugned bill of Rs. 1,75,209.

4. It is pointed out that the petitioner has already made the payment and the receipt of the said payment is also placed on record.

5. The petitioner i.e. Mr. Mahesh is present and has been identified by his counsel, namely, Mr. Anukul Adhana, Adv.

6. Respondent 2 i.e. BSES is duly represented through its counsel, namely, Mr. Akhil Hasija, Adv. He states that since the matter is settled and the payment has been received, respondent no.2 has no objection if the aforesaid FIR is quashed.

7. Both the parties state that they have entered into the aforesaid settlement out of their own free will, volition and without any threat, force, undue influence or coercion.

8. Since the parties have arrived at a settlement and no disputes are pending, I am convinced that quashing of such proceedings on account of compromise would bring about peace and would secure the ends of justice. This court does not see any fruitful purpose if criminal proceedings are permitted to be prosecuted any further. It is a fit case for quashing. In this view of the matter, there is no reason to continue the proceedings.



9. However, I am inclined to impose costs as the police machinery has been put in motion on account of the acts of commission and omission on behalf of the parties and the useful time of the police and the judicial time which could have been utilised for important matters has been misdirected towards the present matter.

10. For the reasons noted above, FIR No. 401/2024, dated 04.10.2024, registered at P.S. Jaitpur, Delhi under section 135 of Indian Electricity Act, 1910 and Section 379 of IPC, 1860 and all consequential proceedings emanating therefrom, if any are hereby quashed subject to the petitioner, depositing a sum of Rs. 8,000/- as costs with DHCLSC within four weeks.

11. The proof of payment shall be filed within 5 weeks, failing which the file shall be put up before the court.

12. The petition along with pending application, if any is disposed of accordingly.

JASMEET SINGH, J

DECEMBER 12, 2024/DM

Click here to check corrigendum, if any