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

+ **CRL.M.C. 1023/2025**

SMT. USHA SINGH

.....Petitioner

Through: Mr. Gaurav Vashisht,
Adv. along with petitioner.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Sanjay Lao, SC for
the State.
SI Sumeet, PS Vivek
Vihar.
Mr. Rajesh Pathak, Adv.
for complainant along
with Mr. Rahul Keshav
through V..C.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **08.07.2025**

CRL.M.A. 4658/2025 (exemption)

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

CRL.M.C. 1023/2025

3. The present petition is filed quashing of FIR No.143/2023 dated 12.04.2023, registered at Police Station Vivek Vihar, for offences under Section 135/138 of the Electricity Act, 2003 ('**the Act**'), including all consequential proceedings arising therefrom. Chargesheet has been filed in the present case.

4. On 03.02.2023, the premises owned by the petitioner was



inspected. Allegedly, it was found that the petitioner had tampered with the meter that was installed on her premises and she had dishonestly stolen electricity. This led to registration of the present FIR.

5. The present petition is filed on the ground that the matter was amicably settled between the parties before the Delhi State Legal Services Authority, National Lok Adalat on 10.12.2023 for a sum of ₹1,38,733/-, and it was decided that an extra rebate of 12% will be given on the settlement amount if the full amount is paid by 10.12.2023. It is stated that the settlement amount was duly paid by the petitioner by the said date and Respondent No. 2 has also issued a No Dues Certificate in favour of the petitioner.

6. The petitioner is present in person. Mr. Rahul Keshav, Senior Manager of BSES Yamuna Power Limited/ Respondent No.2 is present through video conference.

7. On being asked, Mr. Rahul Keshav states that he is authorised to represent Respondent No.2 in the present proceedings. He reaffirms that the settled amount has been received and Respondent No.2 does not wish to pursue any proceedings arising out of the present FIR. He states that Respondent No.2 has no objection if the proceedings are quashed.

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

9. The Hon'ble Apex Court in the case of **Suresh Ganpati Halvankar v. The State of Maharashtra : Cr. Appeal No. 156/2018** has categorically held that the offences under Sections 135 and 138 of the Act are both compoundable in terms 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.”

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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
12. In view of the above, FIR No. 143/2023 and all consequential proceedings arising therefrom are quashed.
13. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

JULY 8, 2025

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