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

+ CRL.M.C. 4803/2023 & CRL.M.A. 18340-41/2023, 4120/2024

M/S T D ENTERPRISES PROP.FIRM THR. ITS PROPRIETOR
DIKSHA YADAV AND ORS.Petitioners

Through: Mr. Manmohan Yadav, Advocate.

versus

BSES RAJDHANI POWER LTD.Respondent

Through: Mr. Rishab Raj Jain, SC for BSES with
Mr. Sharique Hussain, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

31.01.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Section 482 of the Cr.P.C. seeks the following prayers:

“(a) To Quash the complaint vide C.C. no. 1179/2021 Titled as BSES RPL Vs Pawan Yadav & Ors. Pending in the Hon'ble Court of Sh. Vinod Kumar Meena, ASJ, Dwarka Court, Delhi;

(b) To call for the records of the present case.

(c) To call for the records of the case of CT case no. 1064/2019 Title as BSES RPL vs Kunal decided by the Hon'ble Court of Sh. Mukesh Kumar, ASJ, Special Electricity Court, Delhi on 29/10/2019 especially for perusal of Videography filed by the respondent.

(d) To allow the present petition;

(e) To pass any other Order or Orders, which this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the case in favour of the petitioner.”

3. Learned counsel appearing on behalf of the petitioner submits that in



the inspection report dated 15.06.2019, it is recorded that there was a theft of electricity from BSES pole no. JFP-P_886. Further, in the site plan annexed with the petition, the pole is being shown as JFP-P_886 which is in front of the house of the petitioner. It is submitted that there is no such pole in existence in the front-side of the house of the petitioner. The pole which has been shown is in the backside of the petitioner's house, as opposed to the site plan exhibited with respect to the location of such pole. Therefore, there is a discrepancy between the inspection report and the site plan. It is further submitted that the petitioner was not the person who had stolen the electricity but some other person and the complaint was forged.

4. Learned counsel appearing on behalf of the respondent submits that the matter is fixed for prosecution evidence and notice has been framed *qua* the present petitioner. It is also submitted that there was a videography conducted alongwith the inspection report, which is part of the record and the contentions raised herein are all a matter of trial. It is further pointed out that the electricity theft was with respect to commercial activities.

5. Heard learned counsel for the parties and perused the records.

6. The contention raised by the petitioner in the present petition are disputed questions of fact. If there is any discrepancy in the inspection report and the site plan, the same has to be put to the concerned witnesses during the course of the trial. This Court cannot examine these issues as this would amount to conducting a mini trial.

7. In view of the above, the petition is dismissed and disposed of.

8. Pending application(s), if any, also stands disposed of.

9. The petitioner is at liberty to take all the contentions raised herein during the course of the trial in accordance with law.



10. Order be uploaded on the website of this Court *forthwith*.

JANUARY 31, 2025/bsr

AMIT SHARMA, J

Click here to check corrigendum, if any