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

+ **CRL.M.C. 8173/2024**

JAMILUDDIN KATARIA

.....Petitioner

Through: Mr. Sunil K. Kalra and Mr. Mradul
Sharma, Advs. along with petitioner.

versus

THE STATE (NCT OF DELHI) & ANR.Respondents

Through: Mr. Utkarsh, APP with S.I. Anugraha,
P.S. Welcome, Delhi.
Mr. Sanjeet Trivedi, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

29.01.2025

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1. The present petition has been filed under Section 528 BNSS, 2023 seeking quashing of FIR No.0417/2020 under Sections 135/138/150 IE Act (Amend) 2003, registered at Police Station Welcome, Delhi and all consequential proceedings emanating therefrom on the ground that the petitioner has settled the matter with the respondent no.2, namely BSES Yamuna Power Ltd. and has cleared all the dues of the respondent no.2.
2. Issue notice. The learned APP appearing on behalf of the State, as well as, the learned counsel appearing on behalf of the respondent no.2 accept notice.
3. The petitioner is present in Court and he has been identified by his counsel, as well as, by the IO i.e. S.I. Anugraha, P.S. Welcome, Delhi.
4. The present FIR was registered against the petitioner which contains



the allegation of Electricity Theft. During the pendency of proceedings, the petitioner and respondent no.2 have arrived at a settlement, terms whereof were recorded before the learned Additional Sessions Judge (Electricity), Karkardooma Courts, East District, Delhi in the order dated 04.03.2024, a copy of which is annexed as Annexure B.

5. The learned counsel for respondent no.2, on a query posed by the Court, affirms the factum of settlement and states that respondent no.2 has no objection in case the FIR in question is quashed.

6. At this stage, apt would it be to refer to the observations of the Supreme Court in *Gian Singh v. State of Punjab*, (2012) 10 SCC 303: (SCC p. 340, para 58)

“58. Where the High Court quashes a criminal proceeding having regard to the fact that the dispute between the offender and the victim has been settled although the offences are not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor.”

7. In view of the settlement between the petitioner and respondent no.2, the ultimate chances of conviction in the case are bleak, therefore, continuation of criminal proceedings will not serve any useful purpose and it will be an exercise in futility.

8. It is, thus, in the interest of justice that the present FIR and all the other proceedings emanating therefrom be quashed.

9. Consequently, the petition is allowed and the FIR No.0417/2020 under Sections 135/138/150 IE Act (Amend) 2003, registered at Police Station Welcome, Delhi along with all other consequential proceedings



emanating therefrom, is quashed.

10. The petition stands disposed of in the above terms.
11. Order be uploaded on the website of this Court.

VIKAS MAHAJAN, J

JANUARY 29, 2025

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