

(2008) 08 DEL CK 0210

Delhi High Court

Case No: Criminal M.C. No. 2712 of 2008 and Criminal M.A. 9989 of 2008

Mool Chand Chawla

APPELLANT

Vs

State of NCT of Delhi

RESPONDENT

Date of Decision: Aug. 22, 2008

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 482
- Electricity Act, 1910 - Section 39, 44
- Penal Code, 1860 (IPC) - Section 379

Hon'ble Judges: Manmohan, J

Bench: Single Bench

Advocate: Anilendra Pandey, Priya Kashyap and Manoj Kumar, for the Appellant; R.N. Vats, APP and Inderbir Singh Alag for BSES, for the Respondent

Final Decision: Allowed

Judgement

Manmohan, J.

The present petition has been filed u/s 482 Cr.P.C. for quashing of FIR No. 119/99 registered with PS Karol Bagh under Sections 39, 44 of Indian Electricity Act read with Section of 379 IPC as well as chargesheet dated 2nd July, 1999 and subsequent proceedings arising therefrom and now pending in the Court of Mr. Kuldeep Narayan, Metropolitan Magistrate, Patiala House Courts, New Delhi.

2. Briefly stated the facts of this case are that on 7th April, 1999 a joint team of Delhi Vidyut Board (hereinafter referred to as DVB) conducted a raid on the Petitioner's premises and allegedly found him guilty of theft of electricity. On a complaint being filed by the officer of DVB, the impugned FIR was registered.

3. However, on a bill being raised by the Enforcement Department, the Petitioner paid the entire amount including the penalty amount. Consequently, on 11th May, 1999 the Executive Engineer (D), SRD wrote a letter to SHO, Police Station Karol Bagh stating that no further action need be taken in the aforesaid FIR in view of the

payment having been made by the Petitioner of the aforesaid bill.

4. Learned Standing Counsel for the BSES, who is the successor of DVB, states that his client has no objection if the impugned FIR and the proceedings arising therefrom are quashed by this Court.

5. Keeping in view the fact that the entire payment including the penalty amount has already been paid by the Petitioner, I see no useful purpose in continuing the present proceedings and, therefore, I quash the FIR No. 119/99 registered with PS Karol Bagh under Sections 39, 44 of Indian Electricity Act read with Section 379 of IPC as well as chargesheet and all consequential proceedings arising therefrom and now pending in the court of Mr. Kuldeep Narain, Metropolitan Magistrate, New Delhi.

6. Consequently, the present petition is allowed in above terms. Order dasti.