

Shabana Begum &Ors vs State Of Nct Of Delhi & Ors on 21 March, 2018

Author: Anu Malhotra

Bench: Anu Malhotra

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.M.C. 1576/2015
SHABANA BEGUM &ORS Petitioners
Through: Mr. Manu Raj Sharma, Advocate.

versus

STATE OF NCT OF DELHI & ORS Respondents
Through: Mr. Raghuvinder Varma, APP for
State with SI Rajender Singh, PS
Malviya Nagar.
Mr. Raghav Chadha, Adv for R-2 &3.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA
ORDER

% 21.03.2018 Vide the rejoinder placed on the record by the petitioner, it has been submitted to the effect that the petitioner has already deposited a sum of Rs. 1,25,000/- out of the total amount of Rs. 3,44,848/- with the office of the respondent vide a demand draft bearing No. 484200 in the name of the BRPL.

Learned counsel for the respondent no. 3, BSES Rajdhani Power Limited submits that an additional amount of Rs. 82,000/- has also been deposited in relation to case ID No. RJO30514SA003 and that the No Dues Certificate placed on the record by the petitioner along with the rejoinder is admittedly issued by the respondent no. 3.

On behalf of the State, learned APP does not oppose the prayer in the circumstances made by the petitioner seeking quashing of the FIR No. 1170/14, PS Malviya Nagar under Section 135 of the Indian Electricity Act, 2005. In view of the said No Dues Certificate issued by the respondent no. 2 in favour of the petitioner. As the first offence punishable under Section 135 of the Indian Electricity Act, 2003 is per se compoundable in terms of Section 152 of the Indian Electricity Act, 2003, in view of the verdict of this Court in "NARESH JHANJHI & ANR VS. STATE OF NCT OF DELHI & ANR" in CRL.M.C. 4179/2015, "SHIV CHARAN VS. THE STATE & ANR" in CRL.M.C. 3176/2015, "RAJESH KUMAR VS. THE STATE GOVT OF NCT OF DELHI & ANR" in CRL.M.C. 4494/2017, „SUDESH MAAN & ANR. VS. THE STATE GOVT OF NCT OF DELHI & ANR" in CRL.M.C. 5181/2017 and in "RAVINDER KUMAR VS. THE STATE GOVT OF NCT OF DELHI & ANR" in CRL.M.C. 242/2018, and in view of the verdict of the Apex Court in "SURESH GANPATI

HALANKAR VS. THE STATE OF MAHARASHTRA & ORS" dated 22.01.2018 in CRL.A. 156/2018; and in view of the verdict of this Court in "ATIF RAZA VS. STATE (NCT OF DELHI) & ANR." in CRL. M.C. 4421/2017 and in "MOHD. ASLAM VS. STATE GOVT OF NCT OF DELHI & ANR" in CRL.M.C. 1232/2018, in "SATISH KUMAR & ORS. VS. THE STATE OF DELHI & ANR" in CRL.M.C.326/2018, in view of the settlement arrived at between the petitioner and the respondent no. 3, it is considered appropriate to put a quietus to the litigation between the parties, the FIR No. 1170/14, PS Malviya Nagar under Section 135 of the Indian Electricity Act, 2003 and all consequential proceedings emanating therefrom against the petitioner no. 1 & 3 as the petitioner no. 2 has already expired on 15.11.2015 as per the death certificate issued by the Sub-Registrar of Birth & Death, South Delhi Municipal Corporation in relation to the case ID No. RJO30514SA003.

The petition is disposed of accordingly.

ANU MALHOTRA, J MARCH 21, 2018 NC