

Sh. Pankaj Jain vs State And Another on 15 February, 2021

Author: Anu Malhotra

Bench: Anu Malhotra

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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.M.C. 265/2021

SH. PANKAJ JAIN

..... Petitioner

Through: Mr. Rishi Kant Mishra, Adv.

versus

STATE AND ANOTHER

..... R

Through:

Mr. Sanjeev Sabharwal, APP

State with SI Sandeep, PS

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% 15.02.2021 (through physical hearing) The petitioner vide the present petition has sought the quashing of the FIR No.500/2016, PS Kotwali, under Section 135 of the Electricity Act, 2003 submitting to the effect that a settlement has since been arrived at between the petitioner and the respondent no.2 and the total settlement amount of Rs.1400/- vide the receipt no.040033487374 dated 03.04.2017 has been paid by the petitioner, as a consequence of which, No Due Bill has been issued by the respondent no.2 in relation to the CA No.400927317 and thus, the FIR in question be quashed.

On behalf of the State, it had been submitted on 01.02.2021 that as per the FIR itself there were two names one of Pooja and the other of Pankaj Jain with Mr. Pankaj Jain being the present petitioner which were mentioned in the FIR as users of the electricity connection in question. Time had been sought by the respondent no.2 to seek instructions as to what is the role of Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:19.02.2021 17:19:32 This file is digitally signed by PS to HMJ ANU MALHOTRA.

Pooja and the State was directed to verify the averments made in the FIR. The status report submitted by the State dated 12.02.2021 states to the effect that Mr. Pankaj Jain, the present petitioner was interrogated and has disclosed that Ms. Pooja was living at the said address earlier on rent at 74- 76, S/F, Jagan Nath Mandir, Dariyagunj, New Delhi but that he is not aware of her present whereabouts and she has vacated the premises.

Submissions made on behalf of the respondent no.2 are also based on the status report that has been submitted by the State. It is submitted by learned counsel for the respondent no.2 in as much as the payment to the respondent no.2 has been made, the respondent no.2 does not oppose the

prayer made by the petitioner seeking quashing of the FIR in question.

In as much as the offence punishable under Section 135 of the Electricity Act, 2003 is compoundable in terms of Section 152 of the said enactment, in view of the catena of verdicts 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, "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 judgment 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 Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:19.02.2021 17:19:32 This file is digitally signed by PS to HMJ ANU MALHOTRA.

CRL.M.C. 1232/2018 and in "SATISH KUMAR & ORS. VS. THE STATE OF DELHI & ANR." in CRL.M.C.326/2018, it is considered appropriate to put a quietus to the litigation between the parties qua the FIR in question and thus the prayer made by the petitioner seeking quashing of the FIR No.500/2016, PS Kotwali, under Section 135 of the Electricity Act, 2003 is allowed and the FIR is quashed.

The petition is disposed of.

ANU MALHOTRA, J FEBRUARY 15, 2021 vm Signature Not Verified Digitally Signed By:SUMIT GHAI Signing Date:19.02.2021 17:19:32 This file is digitally signed by PS to HMJ ANU MALHOTRA.