

(1999) 11 DEL CK 0100

In the Delhi High Court

Case No : Criminal M. (M) No. 2423/99 and Criminal M. 7829/99

Ramesh Kumar Batra

APPELLANT

Vs

State (Delhi Administration) and Another

RESPONDENT

Date of Decision : 12-11-1999

Acts Referred:

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

Citation : (2000) 1 AD 88

Hon'ble Judges : Cyriac Joseph, J

Bench : Single Bench

Advocate : Mr. Jatan Singh, for the Appellant; Mr. Pawan Behl, for the Respondent

Judgement

Crl. M. (M) No. 2423/99 & Crl. M. 827/77

1. The prayer in this petition filed u/s 402 of the Criminal Procedure Code is for quashing FIR No.1144/97 registered at Police Station Mangole Puri under Sections 39/44 of the Indian Electricity Act read with Section 379 of the Indian Penal Code. The case arising out of the said FIR is stated to be pending disposal in the Court of Ms. Swaran Kanta Mehra, Metropolitan Magistrate, Shakti Sadan, I.T.O, Delhi.

2. The main ground urged by the learned counsel for the petitioner in support of the prayer for quashing the FIR is the out of Court settlement arrived at between the petitioner and the D.V.B. before the Conciliatory Authority on 24-1-1998. The order passed by the Conciliatory Authority on the basis of the said settlement has been produced as Annexure "C". As per the said order it was agreed that the consumer (the petitioner) would pay a total sum of Rs. 3 lakhs in full and final settlement of the claim of the D.V.B. till date of disconnection. It was also agreed that the date of disconnection. It was also agreed that the consumer would pay the said amount of Rs.3 lakhs in four equal monthly installments of Rs. 75,000/-

commencing from 15-2-1998. It was further agreed that the D.V.B. would co-operate in moving the Court for compounding of the offence.

3. Learned counsel for the petitioner submits that in compliance with the order dated 24-1-1998 of the Conciliatory Authority the petitioner has paid the full amount of Rs. 3 lakhs and that such payment was accepted by the D.V.B. According to the learned counsel for the petitioner since the offence in question is not compoundable, the petitioner is constrained to invoke the jurisdiction of this Court u/s 482 of the Criminal Procedure Code for quashing the FIR and the proceedings to secure the ends of justice. Learned counsel for D.V.B. does not dispute that the petitioner has paid Rs. 3 lakhs as per the settlement. But he submits that as per the noting below the order dated 24-1-1998 the payment of Rs. 3 lakhs was to be accepted subject to the approval of the Chairman of the D.V.B. However the said hand written noting has no relevance once the amount is been accepted by the D.V.B. Since the amount has been accepted by the D.V.B. it should be presumed that the settlement has the approval of the Chairman.

4. The D.V.B. had agreed to co-operate with the consumer in moving the Court for compounding of the offence but the compounding of the offence is not possible and permissible under the rules. Hence the petitioner is justified in filing this petition for quashing the FIR and proceedings in exercise of the powers u/s 482 of the Criminal Procedure Code.

5. I am satisfied that in view of the above mentioned settlement between the consumer and the D.V.B no useful purpose will be served by the continuance of the proceedings arising out of the above mentioned FIR. I am also satisfied that it is necessary to quash the FIR and the proceedings should be quashed to secure the ends of justice. Learned counsel for the D.V.B also gracefully and fairly submitted that in view of the settlement arrived at before the Conciliatory Authority on 24-1-1998 the D.V.B. has no objection to the quashing of the above mentioned FIR and the proceedings.

6. In these circumstances FIR NO.1144/97 registered at Police Station Mangole Puri under Sections 39/44 of the Indian Electricity Act read with Section 379 of the Indian Penal Code and the Criminal Proceedings arising out of the said FIR are hereby quashed.

7. The petition stands disposed of.

8. Copy of the order may be given Dasti.