

Jasvinder Singh Vs. State and Another

Jasvinder Singh Vs. State and Another

SooperKanoon Citation : sooperkanoon.com/680529

Court : Delhi

Decided On : Oct-24-2000

Reported in : 2001CriLJ3242

Judge : Mr. Dalveer Bhandari, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 482; [Indian Electricity Act, 1910](#) -- Sections 44; [Indian Penal Code \(IPC\), 1860](#) - Sections 379

Appeal No. : Crl. Misc. (M). No. 3127 of 2000

Appellant : Jasvinder Singh

Respondent : State and Another

Advocate for Def. : Mr. B.C. Pandey Adv.

Advocate for Pet/Ap. : Mr. A.K. Sud, Adv

Judgement :

ORDER

Dalveer Bhandari, J.

1. This is a petition under Section 482 of the Code of Criminal Procedure for quashing FIR No.73/99 of P.S.Naraina registered under Section 44 of the Indian Electricity Act read with Section 379 of IPC pending in the court of M.M., Delhi.

Brief facts which are necessary to dispose of this petition are recapitulated as under:

2. On 31.3.1999 some officials of the Delhi Vidyut Board (DVB) raided the premises of the petitioner, WZ-430 Village Naraina, and reported to the police about the theft of electricity against the petitioner. Delhi Vidyut Board lodged an FIR bearing No.73/99 dated 31.3.1999 at P.S.Naraina under Section 44 of the Indian Electricity Act read with Section 379 of IPC for the alleged theft of electricity by the petitioner.

3. The petitioner applied for the anticipatory bail and the learned ASJ was pleased to grant him anticipatory bail.

4. It is not disputed that the petitioner after the receipt of the impugned theft bill of Rs.1,38,243.77 deposited the entire amount with the DVB. Learned counsel for the petitioner submits that since the petitioner has now deposited the entire amount, therefore, the FIR filed against him be quashed.

5. Learned counsel for the petitioner has placed reliance on the number of judgments of Division Bench of this Court.

6. In CrI.W.P.No.346/2000 titled as Shiv Bhasin & Ors. vs. The State & Anr. decided on 24.5.2000 the Division Bench of this court consisting of Usha Mehra, J. and S.N.Kapoor, J. the court quashed the FIR and consequent proceedings pending in the court of Ms.Swarn Kanta Mehra, M.M., Delhi as full amount has been paid.

7. In CrI.W.P.NO.1189/99 titled as Mahender Kumar & Anr. vs. State & Anr. a Division Bench of this court consisting of Anil Dev Singh, J. and R.S.Sodhi, J. quashed the FIR and proceedings emanating there from as the payment has already been made.

8. In CrI.W.P.No.56/2000 titled as Harish Puri & Ors. vs.State & Anr. decided on 21.3.2000 Division Bench of this court consisting of Usha Mehra, J. and S.N.Kapoor, J. quashed the FIR and consequent proceedings.

9. In these writ petitions a reference has been made to the office order dated 16th May, 1996 issued by Delhi Electricity, Supply Undertaking (now Delhi Vidyut Board). The same is reproduced as under:

' The Special Officer, exercising the powers of DESU/MCD, vide decision No.5284/GW/Corpn. dated 1st May, 1996 have accorded approval for amendment in the existing tariff so as to limit the period of assessment to four months as against six months in cases of tampering of seals and metering equipment etc., for pilferage of energy and/or direct theft in cases where FIR has not been lodged (for whatever reasons) and the consumer is willing to pay the assessment bill at the rate and manner provided in the tariff.

However, in case the consumer does not come forward and is also not willing to pay the assessed bill immediately, FIR will be lodged beside other actions, including filing of recovery suit of assessment bill for a period of six months as per existing provisions of the tariff.

This issues with the approval of the General Manager.

10. The court observed that bare reading of the afore-mentioned office order would suggest that in case consumer who is found to have tampered with the seals of the meter or involved in direct theft of electricity, beside other action would be liable for criminal action. It is subject to one exception that in case the consumer is willing to pay the assessed bill at the rate and in the manner provided in the tariff and would come forward immediately for being assessed, no FIR would be lodged beside other actions.

11. Similar view was also taken in Crl.W.P. No.69/2000 titled as Jai Bhagwan vs. State & Anr. decided on 18.2.2000.

12. Learned counsel for the DVB states that as the amount of the impugned bill has been paid, DVB has no objection if the FIR is quashed. Learned counsel for the state also has no objection if the FIR and the consequent proceedings arising out of that FIR are quashed.

13. I have carefully perused the office memorandum and the number of orders passed by Division Bench of this court.

14. In view of the number of orders of the Division Bench of this court, I deem it appropriate in the interest of justice, to quash FIR No.73/99 of P.S.Naraina registered under Section 44 of the Indian Electricity Act read with Section 379 of IPC pending in the court of M.M., Delhi.

15. This petition is accordingly disposed of dusty.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com