

**Darshana Devi and Usman Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/924521](http://sooperkanoon.com/924521)

**Court :** Delhi

**Decided On :** Jan-31-2012

**Appellant :** Darshana Devi and Usman

**Respondent :** State

**Judgement :**

§~A-10 \* IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.M.C. 3531/2011 and CRL.M.A. 12530/2011 Judgment delivered on 31.01.2012 DARSHANA DEVI and USMAN ..... Petitioner Through : Mr.Mukesh Sharma and Mr.Ksjitij Bhardwaj, Advs. versus STATE ..... Respondent Through : Mr.Satish Mishra, Advocate for Ms.Rajdipa Behura, APP for the State with SI Murari Lal, PS Malviya Nagar Ms. (name not given), Adv. for Mr Samrat Nigam, Adv. for R-2 CORAM: HON'BLE MR. JUSTICE SURESH KAIT SURESH KAIT, J. (Oral).

1. On the last date of hearing i.e. on 21.10.2011 following Order was passed:-
  1. Ld. Counsel for the applicant submits that an FIR No. 278/2000 U/s 379 Indian Penal Code, 1860 read with Section 39/44 of the Indian Electricity Act at Police Station - Malviya Nagar, New Delhi was registered against the Petitioner. The present FIR was registered against 7 accused persons including the Petitioner..
  2. Further submits that on committing the theft of Crl.M.C.No.3531/2011 Page 1 of 3 electricity, respondent no.

2. issued a bill and penalty to the petitioners. Same was paid. Even thereafter, instant FIR was lodged..

3. Further submits that as per the circular issued by the Delhi Vidyut Board, if the bill has been raised and the paid by the parties, then, no FIR shall be lodged against the offenders. However, in the present case, the FIR has been lodged..

4. Ld. Counsel for the Petitioner has cited the notification of 1996 issued by DESU when the respondent no.

2. was not in picture and further he has not shown any of the provision, vide which the respondents was not supposed to lodge an FIR against the Petitioners."

2. Learned counsel for the parties have jointly prayed to quash the FIR No.278/2000 dated 28.3.2000 under Section 379 Indian Penal Code, 1860 read with Section 389/44 of the Indian Electricity Act registered at Police Station Malviya Nagar as the petitioners have paid all the dues of respondent no.2..

3. Learned APP on the other hand submits that in the event, FIR is quashed, heavy costs may be imposed upon the petitioners, as the government machinery has been used and precious time of the Court has been consumed..

4. Keeping the statement of respondent no.2 FIR No. 278/2000 registered at PS Malviya Nagar and emanating proceedings therefrom are quashed..

5. Though I find force in the statement of learned APP, however, keeping in view the financial position of the petitioners, I refrain from imposing Costs. Crl.M.C.No.3531/2011 Page 2 of 3.

6. Crl. M.C. is allowed..

7. Dasti. SURESH KAIT, J JANUARY 31, 2012 Nt/RS Crl.M.C.No.3531/2011 Page 3 of 3