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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 599/2012

PREM CHAND Petitioner

Through: Mr. Suraj Bhan, Adv.

versus

COOL ALL BEVERAGES P. LTD. & ORS. Respondents

Through: None.

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(87) CRL.REV.P. 601/2012

PREM CHAND Petitioner

Through: Mr. Suraj Bhan, Adv.

versus

COOL ALL BEVERAGES P.LTD. & ORS. Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER
19.10.2012

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1. This is a revision petition filed by the petitioner against the order dated 07.09.2012 passed by the Learned Special Judge (Electricity-I), Karkardooma Courts.
2. I have heard the learned counsel for the petitioner and gone through the impugned order. The petitioner had filed a criminal complaint alleging theft of electricity against the respondents No. 1 to 4. Respondent No. 5 was the service provider.
3. It has been added by the learned counsel for the said complainant that there is a

theft of electricity which view has been endorsed by the Learned District Judge (Electricity Court) which came to be listed before him on 07.09.2012, Karkardooma Courts. This exercise was carried out by the Learned District Judge on account of Section 151 of the Electricity Act, 2002 which specifically lays down that:

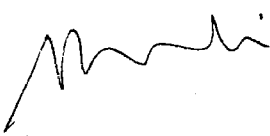
"No court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by Appropriate Government or Appropriate Commission or any of their officer authorised by them or a Chief Electrical Inspector or an Electrical Inspector or licensee or the generating company, as the case may be, for this purpose".

4. Since in the instant case the complaint which was filed by the present petitioner was not falling in any of those categories, the Learned Special Judge did not entertain the complaint. The learned counsel for the petitioner has drawn the attention of the court to Section 151 (A) of the Act which confers power on the police to investigate. Attention is also drawn to Section 151 (B) whereby offences under the Electricity Act have been made cognizable and the police has power to investigate the offences as per the provisions of the Code of Criminal Procedure. The contention of the learned counsel is that since the respondents No. 1 to 4 are influential people and one of them happens to be the Ex-Mayor of Delhi and therefore police is not prepared to register an FIR against them.
5. Merely because the respondents or the persons against whom the allegations of theft of electricity are leveled happens to be holder of a public office, this can not in any way hold back the petitioner from seeking his legal remedy as envisaged in the Code of Criminal Procedure. The Supreme Court has observed in a catena of judgments that if a person has a grievance that his FIR has not been registered by the police station his first remedy is to approach the Superintendent of Police under Section 154 (3) Cr.P.C.
5. In this case the Learned Special District Judge has observed that the complainant

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was at liberty either to approach the police authorities as per provisions of Section 154 Cr.P.C. or before the competent court of jurisdiction under Section 200 Cr.P.C. for redressal of his grievances.

6. I do not find any infirmity in the order passed by the Learned Special Judge (Electricity Court), Karkardooma, Delhi, neither there is any other order is required to be passed in the interest of justice.
7. Accordingly, petition is dismissed.



V.K. SHALI, J

OCTOBER 19, 2012

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