

Court No. - 88

Case :- APPLICATION U/S 482 No. - 29059 of 2008

Applicant :- Arvind Yadav And Others

Opposite Party :- State Of U.P.And Another

Counsel for Applicant :- Gopal Srivastava,Anil Kumar Yadav,Raj Kumar Singh

Counsel for Opposite Party :- Govt. Advocate,H.P.Dubey,V.P.Pandey

Hon'ble Sanjay Kumar Singh,J.

1. Heard Mr. Raj Kumar Singh, learned counsel for the applicants, learned A.G.A. for the State of U.P./opposite party no.1 and Mr. Chandra Shekhar Singh, learned counsel for opposite party no.2/Electricity Department.

2. This application under Section 482 Cr.P.C. has been preferred by the applicants with a prayer to quash the charge sheet dated 05.10.2007, cognizance order dated 19.12.2007 and proceedings of Criminal Case No. 113 of 2007 (*State Vs. Arvind Yadav and others*), under Sections 135/136 Indian Electricity Act, Police Station Chhawani, District Basti, pending in the court of Special Judge (E.C. Act), Basti.

3. Main substratum of argument of learned counsel for the applicants is that offence under Section 135/136 of Indian Electricity Act is a compounding offence. The applicants have deposited the entire compounding amount to the Electricity Department, but despite depositing the said compounding amount, Investigating Officer has submitted charge sheet dated 05.10.2007 against the applicants, on which Magistrate concerned took cognizance on 19.12.2007 and summoned the applicants to face trial, which is not sustainable in the eye of law. Hence, the impugned charge sheet, impugned cognizance order and further proceedings pursuant thereto is liable to be quashed.

4. On the other hand, learned A.G.A. for the State as well as learned counsel for opposite party no.2/Electricity Department, upon instructions, do not dispute the aforesaid facts.

5. Having heard the submissions of learned counsel for the parties, I find substance in the submissions of learned counsel for the applicants and is of the view that after depositing the compounding amount, the submission of charge sheet and criminal prosecution against the applicants are abuse of process of the Court.

6. In view of the above, impugned charge sheet dated 05.10.2007, cognizance order dated 19.12.2007 and proceedings of Criminal Case No. 113 of 2007 (*State Vs. Arvind Yadav and others*) against the applicants are hereby quashed.

7. In the conspectus of the aforesaid, this application under Section 482 Cr.P.C. is **allowed**.

Order Date :- 6.12.2023

Saurabh