

**Court No. - 88**

**Case :-** APPLICATION U/S 482 No. - 34614 of 2023

**Applicant :-** Siddharth

**Opposite Party :-** State Of U.P.And 2 Others

**Counsel for Applicant :-** Dileep Singh Yadav

**Counsel for Opposite Party :-** G.A.,Baleshwar Chaturvedi

**Hon'ble Sanjay Kumar Singh,J.**

1. Heard learned counsel for the applicant, learned A.G.A. for the State of U.P./opposite party no.1 and Mr. Baleshwar Chaturvedi, learned counsel for opposite party nos. 2 and 3.

2. The instant application under Section 482 Cr.P.C. has been filed by the applicant with a prayer to quash the Charge-sheet No. 432 of 2016 dated 11.12.2016, cognizance order dated 04.04.2019, order of non-bailable warrant dated 24.04.2023 and proceedings of S.T. No. 409 of 2019 (State Versus Sunil Kumar and others) arising out of Case Crime No. 688 of 2016, under Section 138(B) Electricity Act, Police Station Tirwa, District Kannauj pending in the Court of Fast Track Court Ist, Kannauj.

3. Brief facts of the case, which are required to be stated are that opposite party no.2 lodged F.I.R. on 21.10.2016 under Section 138(B) of Indian Electricity Act (Amendment) 2003 against the applicant-Siddharth and two other accused persons, namely, Sunil Kumar and Amit Kumar, in which after culmination of investigation, charge-sheet has been submitted against them on 11.12.2016. Thereafter, the Magistrate concerned took cognizance on 04.04.2019 and summoned them to face trial. Thereafter, on account of non-appearance of the applicant before the concerned court below, non-bailable warrant has been issued against the applicant.

4. Main substratum of argument of learned counsel for the applicant is that the offence under Section 138(B) of the Indian Electricity Act is a

compoundable offence. The applicant has deposited the entire amount as directed by the Electricity Department, therefore, the criminal proceeding against the applicant is abuse of the process of the Court.

5. Learned A.G.A. for the State and Mr. Baleshwar Chaturvedi, learned counsel for opposite party nos. 2 and 3 do not dispute the said facts and submit that the Executive Engineer vide order dated 12.12.2023 has directed his counsel to take steps to get the proceedings against the applicant dropped.

6. Accordingly, the instant application is **disposed of** with a direction to the applicant to move an appropriate application for compounding the offence within three weeks and in case such application is moved by the applicant, the same shall be decided by the trial Court in accordance with law within three weeks from the date of filing of the application.

7. Till disposal of the application of the applicant, no coercive action shall be taken against him in the aforesaid case.

**Order Date :-** 13.12.2023  
Shubham