

Court No. - 90

Case :- APPLICATION U/S 482 No. - 34549 of 2023

Applicant :- Brajesh Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Rajendra Prasad Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Pathak,J.

1. Heard learned counsel for the applicant, Sri Virendra Kumar Gautam holding brief of Mr. Baleshwar Chaturvedi, learned counsel for the Electricity Department, learned AGA and perused the record.

2. The present applicant has invoked the inherent power of this Court under Section 482 CrPC beseeching the quashing of entire criminal proceeding as well as charge sheet dated 20.04.2012 filed in Case No.44 of 2012 (State vs. Brajesh Singh), arising out of the Case No.73 of 2012, under Sections 138 (b) of Electricity Act, 2005, Police Station Shamshabad, District Farrukhabad, pending before Special Judge (Essential Commodities Act), District Farrukhabad.

3. F.I.R. has been lodged against the present applicant for the theft of electricity through unauthorized connection.

4. After due deliberation at length, without addressing on the merits of the case, learned counsel for the applicant has submitted that the present applicant is ready to compound the offence as shown in the F.I.R. which has been lodged for the offence under Section 138 (b) of Electricity Act.

5. It is submitted that the offence under Section 138 (b) of the Electricity Act is compoundable under Section 152 of the Electricity Act. Present applicant to show his bonafide has already deposited Rs.60,479/- with the Electricity Department. However, he is ready to pay the remaining amount as emerges after calculation.

6. Learned AGA as well as learned counsel for the Electricity Department have no objection to the submission as advanced by learned counsel for the applicant and ready to compound the

offence of electricity theft through unauthorized connection with electric line.

7. In this conspectus, as above, no useful purpose would be served to keep the present matter pending. Therefore, this Court deems it appropriate to finally decide the present application without entering into the merits of the case with the direction that the present applicant, in case, moves an appropriate application before the authority concerned for compounding of the offence within a period of one month from today, same shall be considered and decided by the authority concerned within a period of one month thereafter.

8. For a period of two months or till the disposal of the said application moved on behalf of the present applicant for compounding, whichever is earlier, no coercive action shall be taken against the present applicant in Case No.44 of 2012 (State vs. Brajesh Singh), arising out of the Case Crime No.73 of 2012, under Sections 138 (b) of Electricity Act, 2005, Police Station Shamshabad, District Farrukhabad.

9. With the aforesaid observation, this application is disposed of.

Order Date :- 31.10.2023

Jitendra