

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 16635 of 2023

Petitioner :- Santosh Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ankit Mishra

Counsel for Respondent :- G.A.,Baleshwar Chaturvedi

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Shri Ankit Mishra, learned counsel for the petitioner, Shri Virendra Kumar Gautam, Advocate holding brief of Shri Baleshwar Chaturvedi, learned counsel for Power Corporation and the learned AGA for the State-respondents.

This writ petition has been filed praying to quash the first information report dated 14.5.2022, registered as Case Crime No. 1902 of 2022, under sections 135 of the Indian Electricity Act (Amendment), 2003, Police Station Anti Power Theft, Agra, District Agra.

This FIR was registered against the petitioner whereby it has been mentioned that a raid was conducted and the petitioner was found committing theft of electricity and, therefore, the FIR was registered.

As per the provisions of Section 152 of the Indian Electricity Act, 2003, the offence is compoundable.

Under these circumstances, it is provided that if the petitioner approaches the authority concerned for compounding of the offence after depositing the compounding fees, the authority concerned shall call the petitioner to put his defence and all the material for his consideration, the authority concerned thereafter shall pass a well reasoned order on the compounding application, so moved by the petitioner and shall decide the same within next five weeks from its institution.

Till the disposal of the application for compounding, interest of the petitioner is protected and he shall not be arrested pursuant to the impugned F.I.R., to facilitate the process of compounding.

It is made clear that final decision by the authority concerned

on the compounding fees shall be binding upon the petitioner and he has to pay the amount.

With the above observation, the petition stands **disposed of**.

Order Date :- 31.10.2023

M. Tarik