

Court No. - 87

Case :- APPLICATION U/S 482 No. - 41824 of 2023

Applicant :- Zakir Hussain

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

Counsel for Applicant :- Vineet Singh Parmar, Trilok Nath Dubey

Counsel for Opposite Party :- G.A., Narendra Kumar Tiwari

Hon'ble Neeraj Tiwari, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Narendra Kumar Tiwari learned counsel for the opposite party no. 2.

2. The present 482 Cr.P.C. application has been filed to quash the order dated 12.07.2023 issuing NBW and subsequent orders passed in Criminal Case No. 23 of 2012 (State Vs. Zakir Hussain), arising out of Case Crime No. 283 of 2011, under Section 135 of Electricity Act, Police Station Fatehpur, District Saharanpur.

3. It has been stated that the offence alleged is compoundable. The applicant is ready to settle the matter with the opposite party no. 2. Reliance has also been placed on a recent Supreme Court decision in the case of **Suresh Ganpati Halvankar Vs. The State of Maharashtra & Ors.** in Criminal Appeal No. 156 of 2018, decided on 22.01.2018.

4. Learned counsel for the applicant further states that in view of the entire electricity dues and compounding charge having been deposited by the applicant, the trial proceedings ought to have been concluded in terms of provisions of Section 152(2) of the Electricity Act, 2003.

5. Considering the above, the present application is disposed of with the following directions:

i) the applicant shall pay up the entire electricity dues as claimed, upto date, within a period of three weeks from today.

ii) upon payment of the electricity dues, the applicant shall, within a week therefrom file before the learned court below an application seeking compounding of the offence, as alleged and deposit the compounding charges.

iii) any amount that may have been deposited either towards electricity dues or compounding charges may be adjusted against the amount that may be claimed against the applicant.

iv) upon proof of payment of the electricity dues and the compounding charges, if any, the learned Court below shall decide the application for compounding filed by the applicant, in accordance with law before proceedings further, with the trial.

v) for a period of one month from today, and in the event of continued compliance being made by the applicant (of this order and also of the further directions that may be issued by the learned court below, within time as may be granted by it), coercive measures may not be adopted against the applicant till disposal of the compounding application.

vi) in the event of default on part of the applicant, the protection being granted by this order shall stand lifted and the applicant may be dealt with as if this order had not been passed.

6. With the aforesaid directions, the present application is **disposed of**.

Order Date :- 22.11.2023

ADY