Court No. - 46

Case :- CRIMINAL MISC. WRIT PETITION No. - 18963 of 2023

Petitioner :- Sunil Verma @ Monu
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Tripurari Pal,Rama Yadav
Counsel for Respondent :- G.A.,Narendra Kumar Tiwari

Hon'ble Ashwani Kumar Mishra,J.
Hon'ble Syed Aftab Husain Rizvi,J.

Heard learned counsel for the the petitioner, learned A.G.A. for the respondent State and Sri Narendra Kumar Tiwari for the respondent Electricity.

This writ petition has been filed with the prayer to quash the First Information Report registered as Case Crime No. 424 of 2022, under Section 135 of the Electricity Act, Police Station- Anti Power Theft Bharwari, District- Anti Power Theft Kaushambi.

Allegations against the petitioner are of theft of electricity. Correctness or otherwise of the F.I.R. allegations are not required to be examined by us, at this stage, inasmuch as all these issues can be determined at the stage of investigation/trial. Since offence itself is required to be dealt with in accordance with the provisions of the Electricity Act, 2003 (hereinafter referred to as the 'Act of 2003') and is compoundable, the remedy of the petitioner would be to pursue the course available under the Act of 2003. Protection under Section 41-A Cr.P.C. is otherwise available to the petitioner, since the offence carries sentence of below 07 years.

Leaving it open for the petitioner to purse appropriate remedy available in terms of provisions of the Act of 2003 or to seek appropriate protection under the Code of Criminal Procedure, this writ petition is consigned to records.

Order Date :- 7.12.2023
Anil

Digitally signed by :-
ANIL KUMAR PATEL
High Court of Judicature at Allahabad