

Court No. - 87

Case :- APPLICATION U/S 482 No. - 42585 of 2023

Applicant :- Mewalal

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

Counsel for Applicant :- Beerendra Singh Pal, Manoj Kumar Keshari

Counsel for Opposite Party :- G.A.

Hon'ble Neeraj Tiwari, J.

Heard learned counsel for the applicant, learned AGA for opposite party no.1 and Sri Baleshwar Chaturvedi, learned counsel for the opposite party no. 3.

This application under Section 482, Cr.P.C. has been filed to quash the charge sheet dated 1.7.2019, cognizance order dated 20.9.2019 as well as entire proceeding of Case no. 1985 of 2019 (State Vs. Mewalal) arising out of Case Crime No. 341 of 2019 under section 138(1)(b) of Indian Electricity Act (Amendment), 2003, P.S.- Auraiya, District Auraiya.

Learned counsel for the applicant submits that there has been some dispute between the applicant and the Power Corporation with respect to electricity settlement dues for which the present proceeding has been filed by the Power Corporation for a malicious prosecution. The offence is compoundable and the applicant is ready to settle the dispute.

Learned A.G.A. as well as learned counsel for the opposite party no. 3 have disputed the contention of the learned counsel for the applicant that there has been some dispute regarding the dues in question but he may approach the authorities concerned for settlement outside the Court as there is provision under section 152 of the Electricity Act for compounding the offence to which the learned counsel for the applicant is ready to participate for compounding the proceeding before the authorities.

Considering the submissions made by learned counsel for the parties, the applicant is directed to file an application within three weeks from today before the Magistrate concerned for settlement of dispute of electricity dues between the applicant and opposite party no. 3. Learned Magistrate shall allow the proceeding for

compounding the proceeding and shall pass appropriate orders within four weeks thereafter in accordance with law positively.

For a period of seven weeks, no coercive action shall be taken against the applicant.

With the above direction, this application is finally **disposed of**.

Order Date :- 30.11.2023

Junaid