

Court No. - 89

Case :- APPLICATION U/S 482 No. - 42581 of 2023

Applicant :- Bhorik Saroj

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

Counsel for Applicant :- Chandra Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Deepak Verma,J.

1. Heard learned counsel for the applicant, Sri Chetan Chatterji, learned counsel for the opposite party no. 2 and learned A.G.A. for the State and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed by the applicant for quashing the entire proceedings of Case No. 33 of 2023 including the Charge sheet dated 14.01.2023 (State vs. Bhorik Saroj) as well as Cognizance and Summoning order dated 10.03.2023 passed by the Special Judge (EC Act), Azamgarh, arising out of Case Crime No. 883 of 2020, under Section 135 of Electricity Act, Police Station- Anti Power Theft, District- Azamgarh.

3. It has been stated that the offence alleged is compoundable. The applicant is ready to settle the matter with opposite party no. 2. Reliance has also been placed on a Supreme Court decision in the case of **Suresh Ganpati Halvankar Vs. The State of Maharashtra & Ors., AIR ON LINE 2018 SC 1464.**

4. 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, up to 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 shall 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.

5. With the aforesaid directions, the present application is **disposed off**.

Order Date :- 22.11.2023

Aditya