

Court No. - 67

Case :- CRIMINAL MISC. WRIT PETITION No. - 18467 of 2023

Petitioner :- Kailash Prasad

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Raj Kumar Singh, Anil Kumar Yadav

Counsel for Respondent :- G.A., Chandra Shekhar Singh

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard Sri Anil Kumar Yadav, learned counsel for the petitioner, learned A.G.A. for the State and Sri Chandra Shekhar Singh, learned counsel for the Electricity Department and perused the record.

By means of the present writ petition under Article 226 of the Constitution of India, the petitioner is assailing the legality and validity of the FIR dated 25.08.2022 registered as Case Crime No.581 of 2022, under Section 135 Electricity Act, Police Station Anti Theft Basti, District Basti.

The submission advanced by learned counsel for the petitioner is that the present offence under Section 152 of Electricity Act is compoundable in nature. There is provision for compounding of the offence.

In the circumstances, if the petitioner approaches the authority concerned on or before **18th December, 2023** and files a fresh application alongwith certified copy of this order and makes an offer for compounding of the offence in question after depositing desired compounding fees, the authority concerned after hearing the contesting parties would pass a reasoned order strictly in accordance with law regarding compounding of the offence within next six weeks from the date of institution of application. After passing of the order by the authority concerned, it is incumbent upon the petitioner to adhere the order of the authority concerned on the compounding application and deposit the entire amount in the easy installments. Till the disposal of application, interest of the petitioner shall be protected and he shall not be arrested pursuant to the F.I.R. in question just, to facilitate the process of compounding.

With the aforesaid observations, this writ petition is **disposed off**.

Order Date :- 28.11.2023

Rmk.