

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 8364 of 2023

Petitioner :- Nadeem Ahmad

Respondent :- State Of U.P. Thru. Secy. Deptt. Home, Lucknow And Others

Counsel for Petitioner :- Vinod Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

Heard learned counsel for the petitioner, learned A.G.A. for the State/respondent Nos. 1 and 2 and Shri Amit Dwivedi, learned counsel for respondent No.3 and perused the record.

We have gone through the impleadment application (Crl. Misc.Application/I.A. No.2 of 2023) filed on 3rd November, 2023. Learned counsel for the petitioner prays to correct the description of the opposite party No.3. Application is allowed. Necessary incorporation be done during course of the day.

This writ petition has been filed seeking a writ, order or direction in the nature of certiorari quashing the impugned First Information Report dated 12.12.2020, registered as Case Crime No.5986 of 2020, under Section 135 of Indian Electricity (Amendment) Act, 2003, Police Station Anti Power Theft Lucknow, District Lucknow.

Shri Amit Dwivedi, learned counsel for the respondent No.3 states that the petitioner has a statutory remedy under Section 152 of the Indian Electricity Act, 2003. He may file an application for compounding to the Executive Engineer concerned.

This writ petition is disposed of with the direction to the petitioner to move an application for compounding before the Executive Engineer of the Electricity Distribution Division concerned within two weeks from today. If such an application is filed along with requisite fee and the petitioner completes all the formalities, the Executive Engineer concerned shall dispose of such application in accordance with law within a further period of six weeks.

For a period of 08 weeks or till such decision is taken by the

Executive Engineer concerned on the application of the compounding moved by the petitioner, petitioner shall not be arrested in connection with the impugned impugned First Information Report dated 12.12.2020, registered as Case Crime No.5986 of 2020, under Section 135 of Indian Electricity (Amendment) Act, 2003, Police Station Anti Power Theft Lucknow, District Lucknow.

Order Date :- 8.11.2023

ML/-