

Court No. - 15

Case :- APPLICATION U/S 482 No. - 12241 of 2023

Applicant :- Suraj Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Civil
Secrt. Lko. And 2 Others

Counsel for Applicant :- Kapil Dev Srivastava, Deepak Kumar

Counsel for Opposite Party :- G.A., Aparajita Bansal

Hon'ble Shamim Ahmed, J.

Heard Kapil Dev Srivastava, the learned counsel for applicant; Shri Bhushan Pratap Singh, the learned A.G.A. for opp. party No.1/State and Ms. Aparajita Bansal, the learned counsel for the opp. party Nos. 2 and 3 and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicant Suraj Singh, with a prayer to quash the charge sheet No. 01 of 2023, dated 11.03.2023 along with entire proceedings of Session Trial No. 799 of 2023, State Vs. Suraj Singh, arising out of Case Crime No. 656 of 2020, under Section 138-B of Indian Electricity Act, Police Station Anti Power Theft, District Unnao, pending in the court of learned Additional Sessions Judge (Court No. 4, E.C. Act, Unnao, and also to quash the summoning order dated 15.07.2023 passed by the court below.

Shri Kapil Devl Srivastava, learned counsel for the applicant submits that since offence in question is compoundable and the applicant is ready to settle the matter, therefore, some time may be granted to him for the said purpose and to approach the authority concerned under Section 152 of the Electricity Act.

Ms. Bansal, learned counsel for the opp. party Nos. 2 and 3 has no objection, if the offence is compounded under Section 152 of the Electricity Act.

Shri Bhushan Pratap Singh, learned A.G.A. has also no objection.

Having regard to the facts and circumstances of case and having considered the submissions made by learned counsel for parties and keeping in view the willingness shown by learned counsel for applicant, this Court is of the view that no useful purpose would be served by keeping this application pending.

In view of above, the applicant is directed to move an application under the relevant provisions of Electricity Act before the concerned authority **within one month** from today.

If such an application along with the certified copy of this order is moved by applicant before the authority concerned within the stipulated period, same shall be considered and decided by the authority concerned expeditiously, preferably within a period of 2 months from the date of production of the same in accordance with law after hearing the parties concerned.

For a period of 3 months or till the disposal of said application, whichever is earlier, no coercive action shall be taken against applicant in the aforesaid case.

In case of default on the part of applicant, interim protection granted to applicant shall automatically come to an end.

With the aforesaid observations, this application stands finally **disposed of.**

(Shamim Ahmed, J.)

Order Date :- 16.12.2023

A.Nigam