



2026:AHC:25994-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1899 of 2026

Rajesh Mishra

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Chandan Kumar Chaturvedi
Counsel for Respondent(s)	:	Chetan Chatterjee, G.A.

Court No. - 49

**HON'BLE AJAY BHANOT, J.
HON'BLE TARUN SAXENA, J.**

The petitioner has sought for the following reliefs:

"(i) Issue a writ, order or direction in the nature of certiorari quashing the F.I.R. dated 06.11.2024, which has been registered as Case Crime No. 2030 of 2024, under Section 135 of Indian Electricity (Amendment) Act at Police Station Anti Power Theft, District Azamgarh (Annexure No. 1 to this writ petition).

(ii) Issue a writ, order or direction in the nature of mandamus directing to the respondent authorities not to arrest and harass the petitioner in pursuance of the impugned FIR dated 06.11.2024, which has been registered as Case Crime No. 2030 of 2024, under Section 135 Indian Electricity (Amendment) Act at Police Station-Anti Power Theft, District Azamgarh."

Sri Chandan Kumar Chaturvedi, learned counsel for the petitioner submits that the petitioner does not wish to press the relief for quashing of the F.I.R. in the writ petition.

The relief sought for quashing of the F.I.R. is accordingly declined.

Sri Chandan Kumar Chaturvedi, learned counsel for the petitioner recasts his relief and submits that the petitioner may be permitted to file an application before the learned trial court for compounding of the offence and tendering the relevant documents after depositing the compounding amount before the

authority of the Power Corporation. However he seeks leave to contest the recovery/demand on merits before the appropriate forum.

Sri Chetan Chatterjee, learned counsel for the Electricity Department submits that the respondents have no objection if the petitioner deposits the compounding amount before the Electricity Department.

In wake of the preceding discussion the following directions are issued in the interest of justice:

I. The petitioner shall deposit the compounding amount before the Power Corporation within a period of one month.

II. After depositing the aforesaid amount, the petitioner shall file an application under Section 152 of the Electricity Act for compounding of offence before the learned trial court along with receipts evidencing deposit of the compounding amount within a further period of one month.

III. In case the aforesaid application and relevant documents are submitted within the aforesaid time period, the learned trial court shall pass appropriate orders in accordance with law.

IV. Till the decision of the aforesaid application for compounding of the offence the arrest of the petitioner pursuant to F.I.R. dated 06.11.2024 in Case Crime No. 2030 of 2024 under Section 135 of Indian Electricity (Amendment) Act, Police Station Anti Power Theft, District Azamgarh, shall remain stayed.

V. It shall always be open for the petitioner to assail the recovery/demand made upon him under the appropriate provisions of law.

It is clarified that in case the petitioner fails to deposit the aforesaid amount and file said application within the time

stipulated above or fails to cooperate in the trial proceedings, this interim protection shall stand vacated without recourse to this Court. The learned trial court shall record a finding to this effect, and thereafter proceed in accordance with law.

The writ petition is disposed of with the aforesaid directions.

(Tarun Saxena,J.) (Ajay Bhanot,J.)

February 5, 2026

SK Srivastava