

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14401 of 2013

Arising Out of PS.Case No. -34 Year- 2013 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Ratan Lal Choudhary S/O Late Bhola Choudhary R/O Mohalla - Pokhara,
P.S. Hajipur Town, District - Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Assistant Electrical Engineer, Electric Supply, Sub Division, Hajipur.
3. North Bihar Power Distribution Company Ltd. Patna through its Managing Director.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.
For the State : APP
For the O.P. Nos. 2 & 3 : M/s. Archana Sinha @ Archana Shahi, Adv.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 23-07-2015 Heard learned counsel for the petitioner and

learned A.P.P. for the State, and for the Opposite Party Nos.

2 & 3.

2. The present petition has been filed for quashing
the First Information Report of Hajipur Town P.S. Case No.
34 of 2013 for the offence alleged under Sections 379, 353
and 34 of the Indian Penal Code and Section 135 of the
Indian Electricity Act.

3. According to the prosecution case, an
inspection of the premises of Ratan Lal Flour Mill (Atta
Chakki) revealed that the petitioner had committed theft of
electricity leading to a loss of Rs. 2,62,792/- to the North
Bihar Power Distribution Company.

4. It is submitted on behalf of the petitioner even without going into the merits of the matter that the aforesaid amount has already been deposited before the opposite party no.2 on 24.01.2013 against receipt issued in his bill.

5. Learned counsel for the opposite party nos. 2 and 3 appears and has been heard, who, in view of the said receipt enclosed as Annexure-2 to the petition, does not dispute the fact of such payment.

6. Having regard to the nature of the offence, the submissions of the parties as well as the fact that the petitioner states having made the entire payment of the amount of loss caused to the opposite party no. 3, this Court is of the view that no fruitful purpose will be served in continuing the prosecution against the petitioner. The F.I.R. in Hajiur P.S. Case No. 34 of 2013 is hereby quashed. It is made clear that the payment made by the petitioner shall abide by the final assessment to be made by the opposite parties.

7. The application stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

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