

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-2792 of 2014 (O&M)
Date of Decision: September 22, 2015

Neelam Rani @ Neelam Kathuria

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Raman Mohinder, Advocate
for the petitioner.

Ms.Priyanka Sadar, Asstt. Advocate General, Punjab
for the respondent-State.

Ms.J.K.Gurna, Advocate
for respondent No.2

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for quashing of FIR No.12 dated 08.02.2012 under Section 135 of the Electricity Act, 2003, registered at Police Station APT, District Bathinda.

Notice of motion was issued and learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the main case of the petitioner

is that she has rented the disputed property where electricity meter has been installed to Sunil Kumar and he was using that electricity connection and it is also the case of the petitioner that the FIR in the present case has been registered against the landlady, which is abuse of process of the law. It is argued that if theft of any electricity is committed that is by Sunil Kumar and not by the petitioner.

The perusal of the record shows that in the FIR the present petitioner is stated to be consumer of respondent No.2. The electricity meter is also in the name of petitioner. There is no mention in the FIR that the disputed premises was on rent with Sunil Kumar. Learned counsel for the petitioner, at the time of arguments, relied upon some application which is stated to have been given to respondent No.2 informing that the property has been given on rent to Sunil Kumar, which is dated 03.01.2012 (Annexure P-2) but at the same time, when under the RTI Act, the copy of this application and reply has been sought, it is stated by respondent No.2 that due to burning of the record, these documents are not available in the record. This is finding of fact which the trial Court is to give whether the present petitioner was the consumer and the theft has been committed by present petitioner or by some other tenant in the premises, who was using the electricity meter and committed theft. This finding of fact is to be given on the basis of the evidence.

As per the arguments, in the present case challan has already been presented and charges have already been framed.

Even two witnesses have also been examined which means that the

Court has already taken the cognizance.

In view of the above, at this stage, the finding of fact cannot be given in the quashing petition. In no way, at this stage, it can be held that registration of the FIR against the present petitioner is abuse of process of law.

Therefore, finding no merit in the present petition, the same is dismissed.

However, nothing stated above will constitute my opinion on the merits of the case.

September 22, 2015
Vgulati

(INDERJIT SINGH)
JUDGE