

253 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34604 of 2014
Date of Decision : 23.01.2015

Vinod Kumar Gupta Petitioner

Vs.

State of Haryana & another Respondents

CORAM :- HON'BLE MR. JUSTICE M.M.S.BEDI

Present :-Mr.K.S.Khehar, Advocate
for the petitioner.

Mr.Maheshinder Singh Sidhu, Addl. A.G., Haryana.

Mr.P.S.Poonia, Advocate,
for respondent No.2.

M.M.S.BEDI, J.(ORAL)

Petitioner seeks quashing of FIR No.397 dated 20.08.2013 under Section 135 of the Electricity Act, 2003 (for short "the Act"), registered at Police Station Irrigation & Power, Ambala on the ground that as per provisions of Section 152 of the Act, the petitioner has deposited the compounding amount alongwith the amount assessed for alleged theft as per the table annexed therewith.

The petitioner was allegedly booked in the case under Section 135 of the Act on the allegations that he was found stealing electricity. He did not pay the penalty despite repeated demands in the form of notices.

Reply has been filed.

It is an admitted fact that the petitioner has paid the entire due amount on 29.12.2014. The provision of Section 152 of the Act is as under :-

“152. Compounding of offences :-

(1) *Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Appropriate Government or any officer authorised by it in this behalf may accept from any consumer or person who committed or who is reasonably suspected of having committed an offence of theft of electricity punishable under this Act, a sum of money by way of compounding of the offence as specified in the Table below :-*

<i>Nature of Service</i>	<i>Rate at which the sum of money for compounding to be collected per Kilowatt (KW)/Horse Power (HP) or part thereof for Low Tension (LT) supply and per Kilo Volt Ampere (KVA) of contracted demand for High Tension (HT)</i>
(1)	(2)
1. Industrial Service	twenty thousand rupees;
2. Commercial Service	ten thousand rupees;
3. Agricultural Service	two thousand rupees;
4. Other Services	four thousand rupees:

Provided that the Appropriate Government may, by notification in the Official Gazette, amend the rates specified in the Table above.

(2) *On payment of the sum of money in accordance with sub-section (1), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such consumer or person in any criminal court.*

(3) The acceptance of the sum of money for compounding an offence in accordance with sub-section (1) by the Appropriate Government or an officer empowered in this behalf shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973 (2 of 1974).

4. The compounding of an offence under sub-section (1) shall be allowed only once for any person or consumer.

As per the statute provided for compounding of the offence on payment of money and the petitioner having already paid the amount, the FIR and all the criminal proceedings emanating therefrom can be quashed as compounded.

As the learned counsel for the respondent has admitted the compliance of provision of 152 of the Act, the petition is allowed. The aforesaid FIR and all the criminal proceedings emanating therefrom are hereby quashed as compounded. The compounding will be treated as acquittal as per provisions of Section 320(8) of the Criminal Procedure Code.

23.01.2015
Pooja Sharma-I

(M.M.S.BDI)
JUDGE