

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No. M-41297 of 2014 (O&M)
Date of decision : 10.02.2015**

Jaswinder SinghPetitioner
versus
State of Punjab & another ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Onkar Singh, Advocate for the petitioner.

Mr. D.S. Virk, AAG, Punjab.

Mr. Sehajbir Singh, Advocate for respondent No.2.

RITU BAHRI , J. (Oral)

Quashing of the FIR No.275 dated 04.07.2014 under Section 135 of the Electricity Act, 2003, registered at Police Station Anti Theft Verka, Amritsar (Annexure P-1), is being sought.

As per the allegations in the FIR, the petitioner was found running 6 BHP submersible motor stealthily and the starter has been taken into custody and the accused was running the motor illegally. It was a case of theft of amount of Rs.82,212/- for compounding fee and the petitioner had to deposit the said amount.

The petitioner filed a civil suit for declaration (Annexure P-5) that the impugned demand raised by the respondents was illegal. The petitioner approached the reviewing authority for depositing the assessed amount and vide order dated 24.07.2014 (Annexure P-6), the assessing authority refused to accept the amount on the ground that a civil case was pending.

Pursuant to the order passed by this Court on 03.12.2014, the petitioner has deposited Rs.82,212/- by way of a demand draft before the registry of this Court.

Counsel for respondent No.2 on instructions states that the necessary compliance of the payment of compounding fee has been made and as per Section 152 of the Electricity Act, 2003, since the amount is compoundable, therefore, he has no objection if the FIR is quashed.

In view of the above, the petition is allowed and the FIR No.275 dated 04.07.2014 under Section 135 of the Electricity Act, 2003, registered at Police Station Anti Theft Verka, Amritsar (Annexure P-1), is quashed with all consequential proceedings arising therefrom qua petitioner.

The registry is directed to release the demand draft of Rs.82,212/- in favour of Punjab State Power Corporation Ltd., Sub Division Kahnuwan, District Gurdaspur.

10.02.2015
Vinay

(RITU BAHRI)
JUDGE