

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.46576 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to set aside the proceedings against the petitioner in F.I.R. No.8171 of 2016 on the file of 2nd respondent as arbitrary and illegal.

The case of the petitioner is that on the complaint given by 3rd respondent alleging that the petitioner indulged in theft of energy, the 2nd respondent registered a case against the petitioner in F.I.R. No.8171 of 2016 for the offence punishable under Section 135 of Electricity Act, 2003. Now, it is the grievance of the petitioner that all the allegations levelled by the 3rd respondent are false and the 2nd respondent without ascertaining the genuineness of the same, registered the F.I.R. and proceeding with the investigation and trying to arrest the petitioner.

The learned Assistant Government Pleader for Home submitted that since a complaint is lodged by the 3rd respondent, the 2nd respondent registered the present F.I.R. in accordance with law.

Now, the learned counsel for the petitioner submits that the petitioner is ready to cooperate for the investigation, but, however, he is apprehending arrest and harassment in the hands of 2nd respondent-police.

Considering the facts and circumstances of the case, the 2nd respondent is directed to complete the investigation in F.I.R. No.8171 of 2016 without arresting the petitioner and file a final report, if any, in accordance with law, on condition of petitioner producing a receipt from the 3rd respondent showing the payment of half of the amount out of Rs.14,589/-, which is estimated loss sustained by the electricity

company due to the alleged theft of energy. Further the petitioner is directed to appear before the 2nd respondent-police as and when required during the course of investigation.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

30.12.2016.
Tsr



