

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.41343 of 2014

Arising Out of PS.Case No. -570 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Rajesh Kumar Choubey s/o late Nagina Choubey r/o vill Ragunathpur,
P.S. Turkawaliya, Dist. E. Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. The Bihar Electricity Board Patna through his Chairman Electricity Bhawan Patna.
3. The Executive Officer Electricity Board Motihari.
4. The Executive Officer Supply Electricity Board Motihari.
5. The Managing Director cum Chief Engineer Muzaffarpur.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar No. 2, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-10-2017

Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner, in the present case, is seeking
quashing of the First Information Report being Turkawaliya
P.S. Case No. 570/2014 lodged by the Junior Engineer, Rural
Area at Motihari under Section 135(B) of the Electricity Act,
2003.

The allegation against the petitioner in the F.I.R.
(Annexure-1) is that on 23.08.2014, when the raiding party



had reached in the premises of the petitioner, it was found that he was consuming electricity by connecting a wire (*Tonka*) directly from the electricity line passing through his premises. The informant who happened to be the Junior Engineer alleged that the petitioner was involved in theft of electricity in his house which has caused a loss of Rs. 82,504/-.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Earlier, the petitioner had filed a complaint case in the District Consumer Forum at Motihari in Case No. 330/2003, where he had complained against disconnection of his electricity line and in the said case the District Consumer Forum passed an order dated 27.05.2004, whereunder the learned District Consumer Forum found that the Electricity Board had failed to prove that regular consumption bills were issued to the complainant, and, therefore, the Opposite Party i.e. the Electricity Board was directed to make available the revised bill to the present petitioner which the present petitioner was obliged to pay in ten equal installments.

Learned counsel submits that after the order passed by the learned Forum, in the year 2013, he obtained a



fresh connection which will be apparent from Annexure-4 as well as Annexure-5 i.e. the correspondences made by the petitioner with the Executive Engineer, North Bihar Power Distribution Company Limited. On the strength of the submission that once the petitioner had obtained a fresh connection there was no occasion for him to indulge in theft of electricity, the learned counsel prays for quashing the F.I.R.

On the other hand, learned Additional Public Prosecutor opposes the prayer for quashing of the F.I.R. stating that the F.I.R. should be quashed only in the rarest circumstances. In the present case, the allegation is that the petitioner was caught while consuming electricity illegally by obtaining connection directly from the electricity line passing through his premises, therefore, the F.I.R. was lodged and investigation was taken up. The petitioner cannot thwart the investigation in the matter only by submitting that the case has been lodged because of a prior enmity.

Learned Additional Public Prosecutor submits that in the Electricity Board, the officers are always changed and it cannot be said that an officer who was posted in the year 2001 or 2009 when the petitioner was contesting the case



with the Electricity Board would indulge in lodging a false case in the year 2014, that too when the case has not been lodged by one officer, rather, it is a case where the raiding party, which is a kind of team constituted by the Electricity Board for searching out the illegal connection, has found the petitioner involved in the theft of electricity.

Considering the submissions made at the bar and the scope of interference with the F.I.R., this Court is convinced that the petitioner cannot be allowed to thwart the very investigation in the case and the F.I.R. cannot be quashed in the present circumstance. This Court is not inclined to exercise its inherent power to quash the F.I.R. on the face of the allegations.

Accordingly, this application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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