

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3628 OF 2016

Abdul Gaffar Gani Qureshi

Petitioner

versus

State of Maharashtra and another

Respondents

Mr.Jitendra B. Mishra for Petitioner.

Smt.S.V.Sonawane, APP, for State.

Mr.Rakesh L. Singh i/by M/s.M.V.Kini & Co. for Respondent no.2.

CORAM : S.C.DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.

DATE : 5th April 2017

PC :

1. This petition seeks quashing of first information report bearing No.12 of 2016 registered at Worli Police Station, Worli.

2. Apart from our inherent powers, Section 152 of the Electricity Act, 2003 ('Electricity Act') is invoked to quash this first information report. The offence alleged is of theft of electricity. Once that was detected, then, the first information report came to be registered. Upon registration of the FIR, the Petitioner has moved the Respondent-Electricity Company, paid all the dues and, therefore, seeks compounding of the offence. Even compounding charges are paid.

3. It is stated that there is no impediment to exercise statutory powers to quash this criminal proceeding as it is a first time offence. Compounding of an offence under sub-section 1 of Section 152 of Electricity Act shall be allowed only once for any person or consumer and that is the requirement set out in sub-section 4 of Section 152. Once there is no record of any repeated activity and particularly of interfering with the meter or of electric lines and materials or theft of electricity, then, in the peculiar facts of this case and without this order being treated as a precedent, we quash the subject first information report. Writ petition is allowed and Rule is made absolute in terms of prayer clause (a).

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)

MST