

CRM-M No.18666 of 2016 (O&M)
Date of decision:26.04.2018

Vinod Virmani

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rohit Rana, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Pankaj Kundra, Advocate for

Mr. Deepak Sabherwal, Advocate, for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for quashing of FIR No. 868 dated 07.11.2015 under Sections 135, 138 & 150 of Electricity Act 2003, registered at police Station I & P District Gurgaon, Haryana (Annexure P-4) alongwith all subsequent proceedings arising therefrom including the challan dated 21.03.2016 (Annexure P-7) on the basis of compounding of offence by respondent No.2 after accepting the dues along with compounding fees.

Learned counsel for the petitioner has relied upon the order dated 17.11.2016 passed in CRM-M-8329 of 2016 vide which this Court has quashed the FIR on the ground that the petitioner has paid the entire amount along with the compounding fees. The order dated 17.11.2016 is reproduced as under:-

“ This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.917 dated 18.11.2015, registered under Sections 135, 138 & 150 of the Electricity Act, 2003, at P.S. I&P Sushant Lok-I, Gurgaon, Haryana alongwith all consequential proceedings arising therefrom

including the challan dated 14.01.2016 on the basis of compounding of offence by respondent No.2 after accepting the dues alongwith compounding fees.

Reply has been filed on behalf of respondent No.2 by way of affidavit of Kuldeep Singh Nehra, SDO, DLF City, Sub Division, DHBVN, Gurgaon, Haryana wherein the fact regarding compounding of offence has been accepted.

Learned counsel for the petitioner has also relied upon the judgment of Co-ordinate Bench of this Court titled as Inder Kumar Chopra vs. State of Haryana and another, passed in CRM-M-9254- 2016, decided on 30.09.2016, whereby in similar circumstances the FIR has been quashed.

In the circumstances, the petition is allowed. The aforesaid FIR alongwith all consequential proceedings arising therefrom is quashed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of. ”

Learned counsel for the petitioner submits that this petition may be disposed of with liberty to the petitioner to approach the trial Court by moving an application for discharge in the light of order dated 17.11.2016.

In view of the same, this petition is disposed of. Liberty is granted to the petitioner to move an appropriate application for discharge before the trial Court and the same will be decided within a period of two months from today.

(ARVIND SINGH SANGWAN)
JUDGE

26.04.2018

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No