

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

(260)

CRM-M-28642-2016

Date of Decision: November 13, 2018.

Baljit Singh

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Balbir Singh Jaswal, Advocate, for the petitioner.

Mr. R.S. Bains, DAG, Punjab.

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

SUDHIR MITTAL, J. (ORAL)

Petitioner seeks quashing of FIR No.513 dated 02.11.2013 registered at Police Station Anti Power Theft, Verka, District Amritsar under Sections 135/136 of Electricity Act, 2003.

Learned counsel for the petitioner submits that the meter was in the name of one Dilbagh Singh (deceased) and was being used by his wife namely Harjit Kaur. Vide receipt Annexure P-3, she has compounded the offence and thus the FIR may be quashed.

Learned counsel for respondent No.2 disputes the submission aforementioned by stating that compounding has been done by Harjit Kaur only. Thus, the petitioner is liable to face trial.

Perusal of Sections 135 and 152 of the Electricity Act, 2003 reveals that any person may be guilty of theft of electricity and any such person may also compound the offence. The act complained of in the FIR is a single transaction and thus any of the persons named for committing theft in the said transaction could have compounded the offence. In the present case, Harjit Kaur has compounded the offence and therefore her action will ensure for the benefit of all the accused persons.

Thus, the petition is allowed and FIR No. 513 dated 02.11.2013, under Sections 135/136 of Electricity Act, 2003 registered at Police Station Anti Power Theft, Verka, District Amritsar and all the consequent proceedings against the petitioner are quashed.

November 13, 2018.
harsha

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No