

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

**Criminal Misc. No.M-29166 of 2017
Date of Decision: 09.07.2018**

Jagtar Singh & another

...Petitioner(s)

Versus

State of Haryana & others

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Ashit Malik, Advocate
for the petitioners.

Mr. Siddharth Sanwaria, DAG, Haryana.

Mr. Baldev Raj Mahajan, Sr. Advocate with
Mr. Saurabh Mago, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.1694 dated 21.11.2015 under Sections 135/138/150 of the Indian Electricity (Supply) Act, 2003 (for short, “the Act”) registered at Police Station I&P Ambala (Annexure P-3) on the basis of memo. dated 4.1.2016 (Annexure P-6).

Learned counsel for the petitioners has argued that the petitioners have already deposited the amount in dispute along with compounding fee and therefore, in view of the provisions of Section 152 of the Act, the proceedings pending against the petitioner should come to an

end. Even otherwise, the petitioners are protected under Section 152(4) of the Act, as they are the first offenders and there is no bar to quash the proceedings in the aforesaid FIR.

Mr. Baldev Raj Mahajan, learned senior counsel, appearing on behalf of respondent 2 does not dispute the fact that the petitioners are the first offenders.

Section 152 of the Act is reproduced hereinbelow:-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Appropriate Government or any officer authorized by it in this behalf may accept from any consumer or person who committed or who is reasonably suspected of having committed an offence of theft of electricity punishable under this Act, a sum of money by way of compounding of the offence as specified in the Table below:

TABLE	
<i>Nature of Service</i>	<i>Rate at which the sum of money for Compounding to be collected per Kilowatt(KW)/Horse Power(HP) or part thereof for Low Tension (LT) supply and per Kilo Volt Ampere(KVA) of contracted demand for High Tension (HT)</i>
<i>(1)</i>	<i>(2)</i>
<i>1. Industrial Service</i>	<i>twenty thousand rupees;</i>
<i>2. Commercial Service</i>	<i>ten thousand rupees;</i>
<i>3. Agricultural Service</i>	<i>two thousand rupees;</i>
<i>4. Other Services</i>	<i>four thousand rupees:</i>

Provided that the Appropriate Government may, by notification in the Official Gazette, amend the rates specified in the Table above.

(2) On payment of the sum of money in accordance with sub-section (1), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such consumer or person in any criminal court.

(3) The acceptance of the sum of money for compounding an offence in accordance with sub-section (1) by the Appropriate Government or an officer empowered in this behalf shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973 (2 of 1974).

(4) The Compounding of an offence under sub-section (1) shall be allowed only once for any person or consumer."

Having regard to the provisions of Section 152 of the Act, which are reproduced above, this Court finds that as the petitioners have already deposited the amount in dispute along with compounding fee, the present petition deserves to be allowed. Accordingly, the present petition is allowed and FIR No.1694 dated 21.11.2015 under Sections 135/138/150 of the Act registered at Police Station I&P Ambala (Annexure P-3) is hereby quashed *qua* the petitioners only. So far as the other co-accused are concerned, the law will take its own course.

July 09, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No