

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CRM M-8401-2018
Decided on: February 27, 2018.

PARAMJIT KAUR

.... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Arjun Veer Sharma, Advocate
for the petitioner.

The present petition has been filed by Paramjit Kaur wife of Lt. Sampuran Singh owner of House No.B-XVII-1326/1 Azad Nagar, Tehsil and District Ludhiana praying for quashing of an FIR No. 1054 dated 30.08.2017. registered at Police Station; Anti Power Theft, under Section 135 of Electricity Act and all other consequential proceedings arising therefrom.

The aforesaid FIR was registered against the petitioner alleging that the inspection was done by the departmental authorities and it was found that lock of the pillar box inside which the electricity meter No. MT07 2152 CCDD PBC07 installed, was broken and petitioner was found drawing electricity from this meter directly. As per the FIR at that time this meter was not allocated to anybody and

the same was lying idle. Taking advantage of that, the petitioner had broke open the lock and committed theft of electricity from this meter. The FIR further stated that this was the third case of power theft against this account.

The petitioner has prayed for quashing of this FIR on the ground that case against her is false, frivolous and concocted. It is further pleaded by the petitioner that meter No.MT07 2152 is claimed to have been installed by the respondents in the same premises where another meter in the name of Harvinder Singh is already installed, the electricity bill of which is attached as Annexure P-3. Hence the argument of the learned counsel for the petitioner is that there cannot be two electricity meters for the same premises. In fact the petitioner had applied for installing a connection in the Scheduled Caste category and the meter was installed by the Department. However that meter was stolen by somebody. Therefore the request was made to the Department for re-installing the meter for the premises of the petitioner. The Department had not installed the meter despite having received the money for that. Therefore the petitioner approached the Civil Court. The Civil Court had directed the Department to install the meter at the premises of the petitioner.

However in the meantime the Department have purportedly shown the meter No. MT07 2152 as installed for the premises of the petitioner. This meter was earlier in the name of one

Palwinder Singh against which a bill of default amounting to ₹ 23006/- was outstanding. Therefore this electricity connection was disconnected and made defunct by the Department. However now the Department intend to recover this amount from the petitioner by wrongly showing this meter for the premises of the petitioner. In this context the argument of the petitioner is that since there is already a meter installed in the name of Harwinder Singh for this premises, therefore, there cannot be two meters for the same premises. Hence the case against the petitioner is false.

Having heard the learned counsel for the petitioner and perused the paper-book of the file, this Court is of the considered opinion that the arguments of the learned counsel is not worth-sustaining; besides being inconsistent and mutually destructive. On the one hand, the counsel for the petitioner has argued that there cannot be two electricity connections in the same premises, whereas, on the other hand the petitioner is claiming that the second meter in the same premises was installed by the Department on his application but that was stolen by somebody leading to a request for fresh installation of the meter by the petitioner. Hence this argument of the counsel for the petitioner does not help the case of the petitioner.

Still further the argument of the learned counsel for the petitioner is that this meter was earlier in the name of one Palwinder Singh and it is wrongly shown to be installed for the

premises of the petitioner, because it was having a defaulted amount of ₹ 23006/-, so as to make a case of recovery against the petitioner. However all these are questions of facts which cannot be ascertained in the proceedings for quashing of the FIR. All these questions would be considered and decided by the Special Court as and when the matter is taken up for adjudication. Hence there is no ground for quashing of the FIR.

However it is made clear that nothing in this order shall be deemed to be any expression on the merits of the case and the petitioner shall be entitled to take all the pleas before the Special Court, as available to her as per the law.

In view of the above findings, having no merit in the petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

February 27, 2018.
tarun

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No