

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.780 of 2019

Arising Out of PS. Case No.-9 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

Sanju Kumari, Wife of Sri Ram Suhawan Prasad, Resident of Mohalla -
Shivpuri Bhaisasur, P.S.- Laheri, Biharsharif, Distt - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna
2. The Superintendent of Police, Nalanda at Biharsharif.
3. The Inspector of Police-cum-officer Incharge, Laheri Police Station,
Biharsharif.
4. The South Bihar Power Distribution Company Limited through its
Managing Director, Bihar, Patna.
5. The Executive Engineer, South Bihar Power Distribution Company Ltd.
Biharsharif No. 1, Biharsharif.
6. The Assistant Engineer, South Bihar Power Distribution Company Ltd.
Biharsharif No. 1, Biharsharif.
7. The Junior Electrical Engineer, Electric Supply Sub-Division, Biharsharif.

... .. Respondents

Appearance :

For the Petitioner/s :	Mr. Arvind Kumar Tewary, Advocate
For the Respondent-State:	Mr. Iqbal Asif Niazi, AC to GP-5
For the Respondent Nos.4 to 7 :	Mr. Vinay Kirti Singh, Advocate Mr. Shrikant Sharan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-05-2019

Heard Mr. Arvind Kumar Tewary, learned counsel for
the petitioner, Mr. Iqbal Asif Niazi, learned AC to GP-5 and Mr.
Vinay Kirti Singh, learned senior counsel appearing for the South
Bihar Power Distribution Company Ltd.

2. This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioner for quashing



the First Information Report (for short 'FIR') of Laheri P.S. Case No.9 of 2019 dated 05.01.2019 registered under section 135 of the Electricity Act, 2003.

3. The allegation against the petitioner is that she was consuming power after bye-passing the electrical meter installed in her premises through illegal direct hooking in the main LT Line, as a result of which, the Power Distribution Company Ltd. (for short 'the company') sustained a loss of Rs. 83,247/-.

4. The contention of the petitioner is that the FIR has been instituted on false allegation. However, after institution of the FIR, the petitioner has deposited the payment of assessed amount by way of electricity charges to the company for restoration of the supply line of electricity in the residential premises. It has further been submitted by the learned counsel for the petitioner that since the petitioner has already suffered a lot of humiliation, any further prosecution after deposit of the entire electrical dues would not be justified.

5. *Per contra*, learned counsel appearing for the company and the State have submitted that deposit of the loss assessed cannot be made a ground for quashing the FIR.

6. The allegation made in the FIR do clearly attract ingredients of the offence.



7. In that view of the matter, no illegality can be found in the action of the police in institution of FIR or its investigation. However, the first offence being compoundable, the petitioner may move before the authorities of the company for compounding of the offence, as provided under Section 152 of the Electricity Act, 2003.

8. The application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.05.2019
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