



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Cr1.O.P.[MD]No.1388 of 2019

S.Arunachalam

: Petitioner

/Vs./

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Panavadali Chathiram,
Sankarankovil Taluk,
Tirunelveli District.

3.The Sub Inspector of Police,
Ayyapuram Police Station,
Thiruvengkadam Taluk,
Tirunelveli District.

4.The Assistant Electrical Engineer,
TANGEDCO,
Pazhankottai,
Kazhugumalai Via,
Thiruvengadam Taluk,
Tirunelveli District.

: Respondents

(R4 impleaded as per the order made in C.M.P.(MD)No.2429
of 2019 dated 15.03.2019)

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the third respondent to register an FIR based on the complaint of the petitioner dated 02.02.2018 and investigate the same in accordance with law.

For Petitioner : Mr.M.Saravanan

For R1 to R3 : Mr.V.Neelakandan
Additional Public Prosecutor

For R4 : Mrs.S.Srimathi
Standing counsel

**ORDER**

The present petition has been filed to direct the third respondent to register an FIR based on the complaint of the petitioner dated 02.02.2018 and investigate the same in accordance with law.

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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the official respondents.

3. The learned counsel for the petitioner has come out with the complaint that there is a theft of electricity from the petitioner's electric line. He further submitted that some third parties have damaged the Well, motor bump sets and has committed theft of electricity from his electric line. Further the learned counsel submitted that the petitioner had moved the learned Magistrate with a complaint, but the same was returned with a direction to file it before the concerned Special Court.

4. When the matter came up before this Court earlier, this Court directed the fourth respondent to appear before this Court.

5. Today, Ms.M.Rathna, Assistant Engineer, Pazhamkottai present before this Court. She made a statement that when she visited the petitioner's property on the basis of the complaint received there was no theft of electricity.

6. The learned counsel for the petitioner would now submitted that the crime had taken place few months earlier and it is for that crime, an action needs to be initiated now. He also added that under Section 154 (2) of The Electricity Act, 2003, the learned Magistrate ought to have forwarded the complaint to the Special Court rather than return it to the petitioner.

7. While it may be true that under Section 154(2) of the Act, the Magistrate could have returned the papers to the Special Court constituted for the purpose, which does not mean that the complaint cannot be laid before the special Court directly. There is no such bar that the complaint necessarily ought to be filed before the Judicial Magistrate, who shall forward it to the Special Court under Section 154(2) of the Electricity Act. Therefore, the petitioner is now required to file a complaint before the Special Court, whereupon the special Court may act on it as per law.

8. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

/ True Copy /



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To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Panavadali Chathiram,
Sankarankovil Taluk,
Tirunelveli District.

3.The Sub Inspector of Police,
Ayyapuram Police Station,
Thiruvankadam Taluk,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-58996[F] dated 04/04/2019)

+1 CC to Mr.S.M.S.JOHNNEY BASHA,Advocate(SR-59056[F]dated 04/04/2019)

Cr1.O.P. [MD]No.1388 of 2019
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ES/06.05.2019/3P/7C