



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)No.12945 of 2015

and

MP(MD)No.1 of 2015

WEB COPY

1.R.Sivaraman

2.N.Rajagopal

... Petitioners / Accused Nos.1 and 2

Vs.

1.State, rep.by the Inspector of Police,
E4, Sindhupatti Police Station,
Madurai District.

(Crime No.49 of 2015) ... 1st Respondent / Complainant

2.A.John Arockia Dass

... 2nd Respondent / Defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.49 of 2015 dated 01.04.2015 on the file of the respondent No.1 Police Station offences under Sections 135(1), 139 of Electricity Act, 2003 and quash the same as illegal.

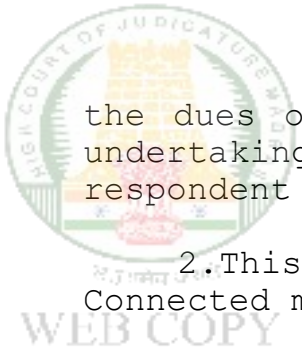
For Petitioners : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Robinson,

Government Advocate (crl.side) for R1
Mr.S.M.S.Johny Basha for R2

ORDER

The petitioners stand accused in Crime No.49 of 2015 registered on the file of the first respondent for the offences under Sections 135 (1) and 139 of the Electricity Act, 2003. It is a case of energy theft. The liability of the petitioners was quantified at Rs.11.00 lakhs. The first petitioner is no more. The second petitioner had already remitted a sum of Rs.5,47,000/-. The learned counsel for the petitioners state that the second petitioner N.Rajagopal would pay the balance amount of Rs.5,53,000/- to the TANGEDCO in six monthly installments. His first installment will commence on 12.12.2019. Since the dues payable by the second petitioner to the second respondent are to be cleared in full, I am of the view that the impugned FIR need not be kept pending. Therefore, the same is quashed. The impugned FIR is quashed only on the strength of the undertaking given by the petitioner to clear



the dues of TANGEDCO. If the petitioner does not adhere to the undertaking given before this Court, it is open to the first respondent to file final report against the petitioners herein.

2.This criminal original petition is allowed on these terms. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1. The Inspector of Police,
E4, Sindhupatti Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-94531[F] dated
25/10/2019)

Crl OP(MD)No.12945 of 2015

and

MP (MD)No.1 of 2015

24.10.2019

MK (18.12.2019) 2P 4C