

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

CRM-M-45137-2018 (O&M)

Date of decision : 05.12.2019

Chain Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shiv Kumar, Advocate for the petitioner.

Mr. Anmol Malik, AAG, Haryana alongwith ASI Raj Kumar.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the present petition is for quashing of FIR No.1943 dated 21.09.2016 registered under Sections 135, 151 of the Indian Electricity (Supply) Act, 2003 (Section 138 of Indian Electricity (Supply) Act 2003 added later on) at Police Station I & P, Police Station Faridabad.

In the present case, order of assessment was issued by the Electricity Supply Company on 20.09.2016 (Annexure P-2) whereas the FIR was registered on 21.09.2016.

Learned counsel for the petitioner, while referring to Section 152 of the Electricity Act, 2003, submits that there is a provision for compounding of the offence if the consumer or person who committed or who is reasonably suspected of having committed an offence of theft of electricity deposits the amount of assessment alongwith amount of penalty.

Learned counsel for the petitioner, while drawing attention of the Court to Annexure P-5, a communication sent by SDO (OP), Division, Old Faridabad, West, has submitted that the petitioner has deposited the amount assessed vide receipt dated 23.09.2016. He further submitted that in spite of communication by SDO (Annexure P-5) to the police acknowledging the deposit of the amount and intimating that no proceedings should be initiated, the police is still not dropping the proceedings.

Notice of motion was issued. Reply has been filed. In para 5 of the petition, specific pleadings to the effect that the entire amount stands deposited and the Sub Divisional Officer has already written to the SHO, have not been denied in the reply. Existence of provision for compounding of the offences is not being disputed. Since, the petitioner has already deposited the amount alongwith penalty, therefore, the offence stands compounded.

Disposed of, accordingly.

05.12.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No