

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.OP.No.7873 of 2019

and

Cr1.MP.Nos.4278 & 4279 of 2019

1.K.Lakshmi

2.A.Banumathi

...Petitioners/Accused Nos.1 & 2

.Vs.

1.State rep.by

Inspector of Police,

Virudhachalam Police Station,

Virudhachalam,

Cuddalore District - 606 001.

Crime No.730 of 2014

...1st Respondent/Complainant

2.Er.M.Arul

..2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, call for the records pertaining to charge sheet filed in S.C.No.447 of 2017, on the file of Principal District and Sessions Judge, Cuddalore District and quash the same.

For Petitioners : Mr.T.Sundaravadanam

For Respondents : Mr.C.Raghavan for R 1

Mr.V.Viswanathan for R 2

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in S.C.No.447 of 2017, on the file of the Principal District and Sessions Judge, Cuddalore District.

2.When the matter came up for hearing on 18.02.2021, this Court passed the following order:

"The main ground that was raised by the learned counsel for the petitioner is that the offence under section 135 (1) (a) of the Electricity Act is a compoundable offence. The learned counsel brought to the notice of this Court the receipt issued by the Department for compounding the offence at Page 35 of the typed set of papers. The learned counsel also brought to the notice of this Court the judgement of

the Hon'ble Supreme Court in CrI A No.156 of 2018, wherein the Hon'ble Supreme Court has held that the offence of theft of electricity is a compoundable offence.

2. The learned Government Advocate seeks time to take instructions in this case. Post this case on 23.02.2021 at 2.15 p.m.

3. When the matter was taken up for hearing today, Mr. Venu, Sub Inspector of Police was present at the time of hearing. It is brought to the notice of this Court that the petitioner has paid the entire amount and has compounded the offence. The receipt that was issued by the Electricity Department in this regard was also confirmed by the learned Government Advocate appearing on behalf of the respondent Police.

4. In view of the above, no useful purpose will be served in keeping the proceedings pending in S.C.No.447 of 2017, on the file of Principal District and Sessions Judge, Cuddalore District is hereby quashed.

5. This Criminal Original Petition is accordingly allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Cuddalore.

2. The Inspector of Police,
Virudhachalam Police Station,
Virudhachalam, Cuddalore District - 606 001.

3. The Additional Public Prosecutor,
High Court, Madras.

+1cc to Mr.T.Sundaravadanam, Advocate Sr.No.11985

+1cc to Mr.V.Viswanathan, Advocate Sr.No.12043

akm/16.03.21 /2P-6C/

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