

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1275 of 2018**

Arising Out of PS. Case No.-180 Year-2016 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Arun Sharma son of Bhola Sharma @ Bhola Mistri, resident of Village-
Kushadhi, P.S.- Magadh Medical, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar Through Electricity Board, South Bihar Power
Distribution Co. Ltd.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha, Advocate

For the Opposite Party/s : Mr.Vinay Kirti Singh, Advocate

: Mr.Kunal Tiwary, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 28-07-2022 Heard learned counsel for the petitioner and Shri

Kunal Tiwary, learned counsel for the Power Distribution

Company Limited.

The present application has been filed seeking
quashing of the FIR relating to Magadh Medical P.S. Case No.
180 of 2016 registered for the offences punishable under Section
135 of the Electricity Act, 2003.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
(Assistant Engineer Electric Supply Division) (Rural) Gaya
alleges that raids were conducted at different places and the
agricultural pump of the petitioner situated near road was also



raided and it was found that his electric connection was disconnected on 31.08.2016 on account of pending dues of Rs. 2,14,269/-, but during the raid it was found that the petitioner again without depositing the dues amount was illegally using the motor pump of 3HP from L.T. line and thus committed theft of electricity causing loss of Rs. 2,221/-.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that despite electricity connection of the petitioner being disconnected, he was using electricity illegally and unauthorizedly for using the motor pump, on account of which the company was put to loss of Rs. 2,221/-. The learned counsel next submits that for using electricity illegally or unauthorizedly there has to be some material based on which the unauthorized electricity from the L.T. line could be taken but from perusal of the seizure list appended with the FIR it would manifest that the same records that no wire was seized from that place, the learned counsel thus submits that no equipment or wire was seized from the place of occurrence when the raid was conducted that amply demonstrates that the petitioner was not using the electricity unauthorizedly or illegally rather since there were dues on the



petitioner for which the electricity was disconnected as such to put pressure on the petitioner, the present false case came to be instituted, it is next submitted that it absolutely does not stand to reason that when the informant was present at the place of occurrence and alleged that electricity was being used illegally then how come no equipment or device or wire was recovered from the place of occurrence this also creates doubt with regard to the veracity of allegations as alleged in the FIR.

Learned counsel for the Power Distribution Company Limited opposes the quashing application and submits that when such raids take place, the people who are involved thrash the authorities and as such the authorities at times have to flee from the place of occurrence and they don't allow the authorities to seize the equipment or materials found at the place of occurrence.

The learned counsel for the petitioner rebuts the submission of the learned counsel for the Power Distribution Company Limited and submits that if what has been submitted is true then the same ought to have reflected from the allegation as alleged in the FIR but the FIR does not even remotely suggest that the informant in any way was man-handled or had to face any situation from the side of the petitioner on account of which



he was not in a position to seize the material used for getting the electricity illegally.

Considering the submissions made by the learned counsel for the petitioner, the F.I.R. being Magadh Medical P.S. Case No. 180 of 2016 is hereby quashed.

(Satyavrat Verma, J)

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