

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.3217 of 2013

Swarna Prava Mallick ***Petitioner***

-versus-

State of Orissa & others ***Opposite Parties***

CORAM: JUSTICE S.PUJAHARI

ORDER

20.06.2022

Order
No.

04.

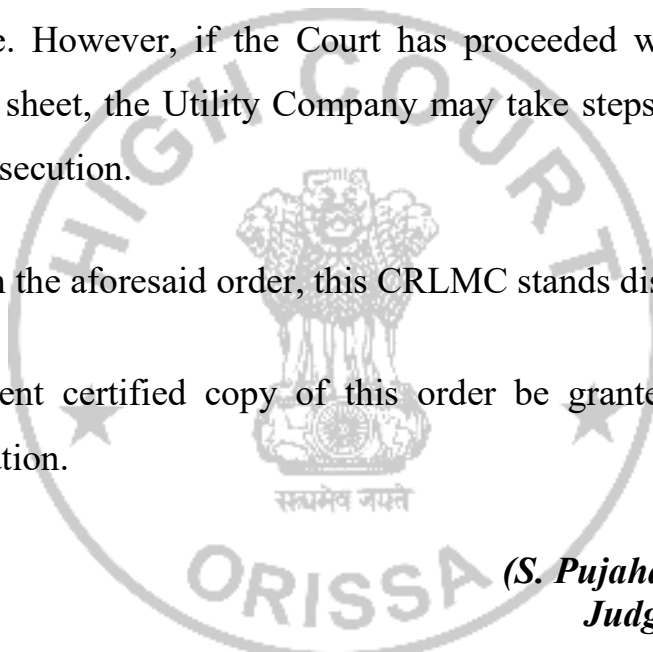
1. This matter is taken up by Hybrid mode.
2. This application under Section 482 Cr.P.C. has been filed by the Petitioner for quashment of the FIR in connection with Cuttack Energy P.S. Case No.65 of 2013 corresponding to Special G.R. Case No.65 of 2013 pending in the court of learned 1st Addl. District Judge-cum-Special Judge, Cuttack. The offence alleged against the Petitioner is under Sections 135/138 of the Electricity Act. The case has been initiated against the Petitioner for theft of energy.
3. The case of the Petitioner is that since he has already paid the amount as demanded for theft of energy as assessed, the FIR lodged for commission of the offence be quashed as the offence is compoundable in nature. But Opposite Party No.2-Distribution Company has not come forward to substantiate the same.

4. In such premises, without expressing any opinion on the merit of the contentions raised, this Criminal Misc. Case is disposed of giving liberty to the Petitioner to approach the appropriate authority of the Utility Company by a representation not later than eight weeks hence to take steps to withdraw the FIR, if the final form has not been submitted and in that event, the authority concerned shall take all effective steps to withdraw the F.I.R., if they are satisfied that the Petitioner has already paid the amount and compounded the offence. However, if the Court has proceeded with on filing charge sheet, the Utility Company may take steps to withdraw the prosecution.

5. With the aforesaid order, this CRLMC stands disposed of.

6. Urgent certified copy of this order be granted on proper application.

PKS

The seal of the Orissa High Court is a circular emblem. It features the State Emblem of India at the top, which is a four-lion capital of an abacus. Below the emblem is the motto 'सत्यमेव जयते' (Satyameva Jayate) in Devanagari script. The word 'ORISSA' is written in a large, bold, serif font across the bottom of the seal. The words 'HIGH COURT' are written in a smaller, bold, serif font along the top inner edge of the circle. Two stars are positioned on either side of the central emblem.
(S. Pujahari)
Judge