

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.637 OF 2022

**PRIYA
RAJESH
SOPARKAR**

Shri Dattatray Vijay Bhuse

... Applicant

V/s.

State of Maharashtra and anr.

... Respondents

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by PRIYA RAJESH
SOPARKAR

Date: 2022.07.12
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Mr.Ashok B. Tajane, Advocate for the Applicant.

Ms.S.D.Shinde, APP for Respondent No.1/State.

CORAM : NITIN JAMDAR AND

N.R. BORKAR, JJ.

DATE : 5 JULY, 2022.

P.C.:-

1. Heard learned counsel for the parties
2. The applicant has prayed for quashing the FIR dated 9 June 2022 bearing No.322 of 2022 registered under section 135 of the Electricity Act, 2003.
3. The FIR is lodged by the Respondent No.2-an officer of the Electricity Company alleging that upon examination of the meter installed, it was found that the meter was tampered with and there were certain additional wires attached to it which resulted in theft of

electricity to the tune of Rs.52,98,770/- and the total amount payable was Rs.63,78,770/-.

4. Learned counsel for the Petitioner submitted that the concerned officer was not duly authorized and submitted that an old meter was fixed which resulted in disparity in the meters. It was also contended that there was no such theft of the electricity. The Petitioner also argued that there is a delay of more than four months in filing the FIR.

5. According to us, these arguments have been advanced without appreciating the scope of proceedings taken out under section 482 of the Code of Criminal Procedure for quashing the FIR. It is settled of to ascertain whether any offence is made out, the FIR has to be read as it is as a whole. The FIR in the present case is clear that upon examination of the meter it was found tampered with. The argument regarding old meter is the defence of the Petitioner. The question of delay also is a matter of trial as the delay can be explained if there is a reasonable explanation for the same, so also the argument regarding the power of the authority. It is also settled that the scope of proceedings for quashing the FIR is narrow. Therefore, this is not a case where extra ordinary jurisdiction is to be exercised, as it is not a case of exceptional nature. The defence of the Petitioner would be considered at the time of trial.

6. Criminal Application is rejected.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)