

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Writ Petition No.680 of 2022**

Ranbir Singh S/o Gurucharan Singh Chandok,  
Aged about 52 years,  
Occupation – Business,  
R/o 315, Baba Buddha Ji Nagar,  
Teka, Nagpur-440017.

... Petitioner

**Versus**

1. The Police Station Officer,  
Maharashtra State Electricity Distribution  
Company Limited,  
Prakash Bhavan,  
Gaddigodam, Nagpur-440015.
2. Deputy Execute Engineer (Flying Squad),  
Maharashtra State Electricity Distribution  
Company Limited,  
Nagpur-440015.
3. Assistant Engineer,  
Lashkaribagh Sub Station,  
Maharashtra State Electricity  
Distribution Company Limited,  
Nagpur.

... Respondents

Petitioner in person.

Shri I.J. Damle, Additional Public Prosecutor for Respondent No.1.

Shri S.V. Purohit, Advocate for Respondent Nos.2 and 3.

**CORAM : SUNIL B. SHUKRE & M.W. CHANDWANI, JJ.**

**DATE : 15<sup>th</sup> DECEMBER, 2022**

1. Rule. Rule is made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

2 We have gone through the F.I.R. filed against the petitioner and we are convinced that there is great substance in the submission

of the petitioner, when he says that in spite of there being no material available in the case so as to register the offence against him, he has been dragged into a criminal case registered against him vide Crime No.4181 of 2010 dated 30-10-2010 at Police Station M.S.E.D.C.L., Nagpur.

3. It has been alleged by the respondent No.2, who lodged the F.I.R. in question against the petitioner, that when he visited the house of the petitioner and inspected the electricity meter on 25-10-2010, he suspected that the electricity meter might have been tampered with and, therefore, he seized the same and it was opened and subjected to test only to find that some resistance was unauthorizedly inserted in the circuit of the meter thereby making it run slow.

4. If these allegations are taken to be true, without subjecting them to test of any appreciation of evidence, still a question arises as to whether or not the allegations of tampering with meter could be attributed to the petitioner. In our opinion, there is no material available on record on the basis of which one can say that the allegations of tampering with meter can be made only against the petitioner. The reason being that it is an admitted fact that the house where the electricity meter in question was installed was owned by his father, who died in the year 2005, and even after his death, the meter continues to stand in the name of the father of the petitioner. It is not

known as to at what time, the alleged manipulation of the electricity meter may have taken place. If it had taken place during the life time of the father of the petitioner, then no prima facie inference, even on the basis of presumption, can be drawn against the petitioner regarding his involvement in the alleged crime. If the alleged incident had taken place after the death of the father of the petitioner, then perhaps on the basis of presumption of the petitioner being in possession of the property, such inference can be drawn against the petitioner, but for this purpose, it is necessary to find out as to during which period, the alleged incident of tampering with the electricity meter may have taken place. But such material is not available on record. Therefore, as of now, we are of the view that even when the allegations made in the F.I.R. are considered to be correct, still no offence, as contemplated under Section 135 read with Section 138 of the Electricity Act, 2003, could be made out against the petitioner. We are, therefore, of the view that this petition deserves to be allowed.

5. There are also additional reasons for taking a view that this petition should be allowed. The offence has been registered on 30-10-2010 and since then, it is not known as to whether or not any chargesheet has been filed by the concerned Police Station, which is Police Station M.S.E.D.C.L., Nagpur. This Police Station was specially constituted at that point of time to deal with the complaints alleging commission of electricity theft or tampering with the electricity meter,

which is punishable under Sections 135 read with Section 138 of the Electricity Act, 2003. As the police personnel were falling short to investigate into such number of complaints, it was thought necessary by the then administration that a dedicated Police Station for investigating into such complaints and filing of chargesheet was necessary. But later on, as the situation improved, the Police Station M.S.E.D.C., Nagpur, was disbanded and it appeared that the investigations into various crimes registered with it, were distributed amongst the concerned Police Stations. But so far as this case is concerned, the learned Additional Public Prosecutor could not receive any instructions either from the respondent No.1 or from any other authority as to what happened to the investigation in the present crime, i.e. Crime No.4181 of 2010. The learned Additional Public Prosecutor has received a copy of the letter dated 12-12-2022 from the Deputy Director of Maharashtra State Electricity Distribution Co. Ltd., Nagpur Region, Gaddigodam, Sadar, Nagpur, whereby a request has been made by him to make available to Police Station Pachpaoli, all the documents relating to police investigation into Crime No.4181 of 2010, including the copy of the chargesheet, if any. We have gone through the said letter and it shows that today Police Station Pachpaoli has no trace of any papers of the said crime and it is also not known as to whether or not any chargesheet or final report in this crime has been filed by the police. If this is the state-of-affairs regarding

investigation of the crime in the past, we are of the opinion that the persons, like the petitioner, against whom such crime came to be registered 12 years ago and in respect of which the Investigating Officer does not know anything and even not a single paper is available with him, must not be allowed to suffer for the mistake, fault or negligence whatever on the part of the Investigating Officer.

6. The petitioner-in-person has pointed out to us that there is a requirement on the part of the concerned Officer of the Electricity Department to lodge a complaint in case of theft of electricity or tampering with the electricity meter within 24 hours from the disconnection of electricity supply and there is also a need for the Officer of the Electricity Department to disconnect the electricity supply to the meter of the petitioner, as contained in the proviso to sub-section (1-A) of Section 135 of the Electricity Act, 2003. He submits that after the inspection of the electricity meter was carried out by the Officers of the Electricity Department, there was no disconnection of supply of electricity to his house nor the police complaint was filed within 24 hours, as contemplated in the said proviso. He submits that even today, the electricity supply goes on unabated. There is no dispute about these facts and it is pointed out by Shri S.V. Purohit, learned counsel for the respondent Nos.2 and 3, that the disputed electricity meter was changed by the respondent Nos.2 and 3 and that is why the electricity supply continues in the

house of the petitioner and that the petitioner has also paid the disputed amount. Whatever may be the reason for keeping alive the electricity supply, the fact remains that the provisions of sub-section (1-A) of Section 135 of the Electricity Act, 2003 were not followed stringently against the petitioner.

7. For the aforesaid reasons, we find that this petition deserves to be partly allowed and it is partly allowed to the extent of quashing of the F.I.R. Accordingly, we direct that the F.I.R. registered vide Crime No.4181 of 2010 at Police Station M.S.E.D.C., Nagpur, dated 30-10-2010, is hereby quashed and set aside. Rest of the prayers are rejected.

8. Rule is made absolute to the extent as indicated above.  
No costs.

**(M.W. CHANDWANI, J.)**

**(SUNIL B. SHUKRE, J.)**

Lanjewar