

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.381 of 2022

Arising Out of PS. Case No.-16 Year-2022 Thana- JALALGARH District- Purnia

Bindeshwari Prasad Sah Son of Late Prasadi Sah, R/o Village- Chak, Mahto
Nagar, P.O. and P.S. - Jalagardh, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar at Patna.
3. The District Magistrate, Purnea.
4. The Superintendent of Police, Purnea.
5. The Managing Director of North Bihar Power Distribution Company Ltd.
North Bihar Power Distribution Company Ltd.
6. Executive Engineer of North Bihar Power Distribution Company Ltd.
7. The Junior Engineer Electric Supply Division Jalalgardh at Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Pandey, Adv.
For the State	:	Mr. Deepak Kumar, AC to GP-4.
For the Power Company	:	Mr. Vinay Kirti Singh, Sr. Adv.
	:	Mr. Vijay Kumar Verma, Adv.
	:	Mr. Akhileshwar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present Cr. Writ Petition has been filed for
quashing of F.I.R. bearing Jalalgadh P.S. Case No. 16 of 2022
dated 26.01.2022 lodged under Section 135 of Electricity Act.

Learned counsel for the petitioner submits that the
petitioner and North Bihar Power Distribution Company Ltd.
are under litigating terms, Company had already filed a criminal



case against the petitioner bearing Jalalgadh P.S. Case No. 16 of 2013 in which final form has been submitted. He also submits that the petitioner has filed a complaint before District Consumer Forum, in which, order has been passed in his favour and with a view to take revenge the company has filed this new i.e. Jalalgadh P.S. Case No. 16 of 2022 case on false and frivolous allegation, in this view of the matter, he seeks that the present F.I.R. may be quashed.

Learned counsel for the Power Distribution Company submits that the petitioner has two units, one unit is in the name of wife of petitioner and another unit is in the name of petitioner. He further submits that earlier case was filed for previous unit but this time the case has been filed on domestic consumer unit. He submits that in the F.I.R. itself there is a report that he was using consumption of electricity on higher load whereas he had taken for lower load. Counsel further submits that everything was calculated, therefore, according to Company this case is absolutely true and it requires logical end.

Learned counsel for the State submits that counter affidavit has been filed. In the counter affidavit intimation of submission of final form has been made but this submission of final form has been made is in regard to Jalalgadh P.S. Case No.



16 of 2013, information with regard to Jalaldah P.S. Case No. 16 of 2022 is not available and investigation is going on.

In the above mentioned facts and circumstances, this Court is not inclined to grant any relief to the petitioner, therefore, the present Cr. Writ Petition is hereby dismissed. The only liberty which is being granted to the petitioner that Section 135 of Electricity Act is compoundable. Therefore, at appropriate stage he may take remedy in accordance with law for closing the case.

(Dr. Anshuman, J.)

ritik/-

U		T	
---	--	---	--

