

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1507 of 2018

Arising Out of PS. Case No.-61 Year-2018 Thana- CHAPRA MUFFASIL District- Saran

Birendra Ojha, Son of Late Sudarshan Ojha, Resident of Village Shanti Nagar,
P.S.- Muffasil Chapra, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited Vidyut Bhawan, Bailey Road, Patna Through Its Chairman cum Managing Director
2. The North Bihar Power Distribution Company Ltd. Vidyut Bhawan, Bailey Road, Patna through its Director
3. The Electrical Executive Engineer Electric Supply Division Chapra West.
4. The Junior Electrical Engineer Supply Division Chapra, Sadar.
5. The Sri Alok Kumar the Junior Electrical Engineer Supply Division Chapra Sadar.
6. The Officer In-charge of Chapra Muffasil Police Station in the District of Saran at Chapra.
7. The State of Bihar through Principal Secretary Energy Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sharma
For the Respondent/s	:	Mr. Subhash Prasad Singh GA 3
For the NBPDC	:	Mr. Akhileshwar Singh, AC to Mr. Vinay Kirti Singh, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 01-03-2024 1. The petitioner has prayed for issuance of writ in the nature of Certiorari for quashing the F.I.R. in respect of Chapra Muffasil P. S. Case No. 61 of 2018, instituted against the petitioner on the basis of a complaint lodged by a competent officer under Bihar Electricity Act, 2003 for non-payment of electricity charges and other consequential relief.
2. It is the case of the petitioner that he is a consumer



of electricity under North Bihar Power Distribution Company Limited. Previously, he used to pay electricity bills at the rate of Rs. 336 to 350 per month. On 6th of March, 2017, the respondents, namely, Respondent Nos. 3 and 4 installed a new electrical meter in the house of the petitioner. Since, thereafter, the petitioner has been receiving inflated bills. The petitioner filed representations before the competent authority at Chapra, requesting, especially the Respondent No. 4, to conduct an enquiry as to whether the meter installed in his house was defective or not. However, no such enquiry was held in spite of repeated representations and reminders. Since electrical bill was charged at an inflated rate, the petitioner could not pay the said electrical dues. For non-payment of electrical bills, the respondent authorities filed an F.I.R. under Section 135 of the Electricity Act, which gave rise to Chapra Muffasil P. S. Case No. 61 of 2018. The petitioner is aggrieved against institution of a criminal case against him.

3. It is submitted by the learned Advocate appearing on behalf of the petitioner that he is ready and willing to make payment of electric bill provided the electric meter be examined to consider as to whether it was defective or not.

4. The learned Advocate for the Respondents, on the



other hand, submits that for non-payment of electrical dues and charges after enjoining electricity, the act of the petitioner *prima facie* amounts to theft of electricity within the meaning of Section 135 of the Electricity Act. Therefore, the Respondents are within the jurisdiction of the Statute to file an F.I.R. Accordingly, the F.I.R. is filed.

5. Having heard the learned Advocates for the petitioner and the Respondents and on perusal of the Electricity Act, 2003, specially Section 152 of the Act, it appears that there is a clear provision of compounding of offences by the petitioner in case any F.I.R. is lodged. The petitioner can ventilate his grievance in the Trial Court as well as may pray to compound the offence.

6. Considering such provisions under the Electricity Act, this Court is of the view that there is no reason to quash the F.I.R. in the instant case.

7. The writ petition is accordingly dismissed on contest.

(Bibek Chaudhuri, J)

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