



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

247

CRM-M-27946-2021  
Date of decision: 11.11.2025

SUKHDEV SINGH @ SUKHA

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present: - Mr. Deepak Arora, Advocate  
for the petitioner.

Ms. Savi Nagpal, Asst. A.G. Punjab.

None for respondent No.2.

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**VINOD S. BHARDWAJ, J. (Oral)**

The instant petition has been filed for seeking quashing of FIR No. 49 dated 13.05.2021, registered under Section 379 of the IPC at Police Station Sekhwan, District Gurdaspur alongwith with all other subsequent proceedings arising therefrom.

2. Learned Counsel appearing on behalf of the petitioner contends that the above said FIR had been got registered by the respondent-PSPCL alleging theft of the conductor that had been installed on a pole affixed in the field of the petitioner. It was alleged that the said electricity pole had been

uprooted and that conductor and other articles of the electricity department had been stolen by the petitioner.

3. The matter came up for hearing on 16.08.2021 when the following order was passed:-

*By this petition, the petitioner seeks quashing of FIR no. 49, dated 13.05.2021, registered at Police Station Sekhwan, District Gurdaspur, for the alleged commission of an offence punishable under the provisions of Section 379 of the IPC, as also all other subsequent proceedings arising therefrom.*

*Learned counsel for the petitioner submits that, firstly, a civil suit has been filed (copy Annexure P-2), by one Gurjinder Singh (not a party to this petition), seeking a decree of permanent injunction restraining the respondents herein, as also the petitioner, from installing or affixing any kind of electricity pole in Gurjinder Singhs' land, which civil suit is still pending. He further submits that the petitioner having already filed an application for removal of that pole (copy Annexure P-4, dated 10.05.2021), there would be no reason for him to uproot that pole, with in fact the pole already having been removed, but the allegation against the petitioner being (in the FIR in question) that he has stolen the conductor installed on the pole.*

*He submits that without admitting to 'any guilt' but simply to finish off proceedings against him, The petitioner is willing to pay the price of the conductor, which is stated to be a not very expensive item.*

*Notice of motion.*

*On the asking of the court, Mr. Sidakmeet Sandhu, A.A.G, Punjab, accepts notice on behalf of the respondents (State).*

*A copy of the petition be emailed to learned State counsel by counsel for the petitioner today itself.*

*Adjourned to 16.09.2021.*

*A gazetted officer is directed to file a reply to the petition, failing which the Chief Engineer concerned shall be summoned to court.*

*In the meanwhile, in the aforesaid circumstances, no coercive steps shall be taken against the petitioner and the report under the provisions of Section 173 (2) of the Cr.P.C. need not be filed, if the matter can be resolved in terms of the above.*

4. Reply by way of affidavit of Jatinder Kumar, Assistant Executive Engineer, PSPCL, Dhariwal, District Gurdaspur has been filed wherein it has been submitted that the value of the conductor and other articles had been got assessed which worked out to be Rs. 4698/- in lump sum. The respondent PSPCL has also admitted that the offence is compoundable. The relevant part of the reply reads thus:-

*3. That during the course of hearing of the petition on 16.08.2021, this Hon'ble Court has observed that without admitting to any guilt but simply to finish off proceedings against the petitioner, he is willing to pay the price of the conductor. The answering respondent has got assessed value of the conductor and other incidental expenses including GST etc. which works out to be Rs.4698/- in lumpsum. A copy of assessment sheet is being annexed herewith as Annexure R-2/1.*

*4. That in view of the provisions of Section 320 Cr.PC, the offence punishable under Section 379 IPC is compoundable and the answering respondent may consider for compoundable of offence with the permission*

*of this Hon'ble Court after taking sanction from the competent authority.*

5. Learned Counsel appearing on behalf of the petitioner submits at the outset that since the matter is compoundable, he has instructions to submit that the entire amount pertaining to the value of the stolen articles alongwith the applicable GST and taxes shall be deposited by him with the respondent-Punjab State Power Corporation Limited, Sub Division Dhariwal, District Gurdaspur within a period of four weeks of receipt of certified copy of this order.

6. No one has chosen to appear on behalf of respondent No.2. Since the controversy is a petty offence, I feel there is no necessity for adjourning the matter any further only to await a formal appearance of the Counsel. Hence, the matter is being heard and decided on merits, in absentia.

7. Taking into consideration that the offence in question is of petty nature and only a small amount (less than Rs. 5000/-) is involved, which the petitioner is ready to deposit and considering that the offence under Section 379 of the IPC is compoundable, the present petition is allowed, subject to the petitioner depositing the assessed value of the alleged stolen articles, within a period of four weeks of receipt of certified copy of the same with the respondent-Punjab State Power Corporation Limited, Sub Division Dhariwal, District Gurdaspur. On deposit of the aforesaid amount, the FIR and all proceedings arising therefrom are ordered to be quashed.

**(VINOD S. BHARDWAJ)**

**JUDGE**

**NOVEMBER 11, 2025**

*Vishal Sharma*

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No