



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL WRIT PETITION NO. 83 OF 2026**

Mudsirali Musambir Husain

Occ – Farmer/business, Age – 37 yrs

R/o Dahegaon, PO- Fetri,

Tah-Kalmeshwar, Dist-Nagpur

... **PETITIONER**

V E R S U S

1. STATE OF MAHARASHTRA

Through P.S.O, P.S. Katol

Dist- Nagpur

2. Dinesh Maroti Sansare

Age – 37 years, Occ-Govt Job

R/o – Navnath Nagar, Kharbi Layout,

Wathoda, Nagpur

**3. Maharashtra State Electricity Distribution
Co. Ltd**

Through Its Chief Engineer,

Katol Road, Nagpur

4. The Superintending Engineer

MSEDCL, Katol Road, N.R.C.Nagpur.

5. The Executive Engineer,

Kalmeshwar Sub-Division, MSEDCL,

MIDC Rd, MSEB Colony,

Kalmeshwar - 441501

... **RESPONDENTS**

Mr. Tarun Parmar, Advocate for the Petitioner.

Mr. A. M. Ghogre, APP for Respondent No.1/State.

Mr. S. V. Purohit, Advocate for Respondent No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : FEBRUARY 25, 2026.

ORAL JUDGMENT :

1. Heard. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned counsel for both sides.
2. The petitioner approached before this Court by invoking the writ jurisdiction to quash and set aside the FIR No.1009 of 2025 registered at Police Station Katol under Section 135 of the Electricity Act, 2003 and further seeking direction against respondent Nos.3 to 5 to immediately and unconditionally restore the petitioner's electricity connection by reinstalling a meter and resuming supply.
3. In the present matter, on the basis of the complaint dated 10.11.2025 lodged by respondent No.2, who is working as Junior Engineer, MSEDCL, Kalmeshwar, the offence is registered against the present petitioner under Section 135 of the Electricity Act, 2003.
4. It is alleged in the complaint that on 27.08.2025, the respondent No.2 along with other staff members visited the premises of the petitioner for installation of new electricity smart meter, at that time they found that earlier meter which was installed at the petitioner's place was defective and some alteration has been done by the petitioner. Therefore they have verified the meter and after the verification it is found that there are some alterations in

the meter and therefore considering it as a prima facie case of theft of electricity, offence came to be registered against the present petitioner.

5. The petitioner approached before this Court by way of present petition by raising following grounds and submission:

(i) The first submission is that the MSEDCL has laid down certain guidelines on the basis of circulars as to what procedure is to be followed at the time of inspection and what are their responsibilities at the time of inspection. According to him, this procedure, which is mandatory in nature was not followed by the department while visiting his house and inspection of electric meter.

(ii) The second submission of the present petitioner is that the officers have taken his signatures on the document without disclosing for what purpose, they are taking his signatures. As such by keeping him in dark signatures were obtained and therefore, same are not admissible to him.

(iii) Thirdly, he stated that the documents which were prepared at the time of inspection was never supplied to him. According to him, when he approached before the Consumer Court for restoration of electricity, at the time of filing reply, documents were supplied to him, which he has enclosed along with the petition. After perusal of documents, he noticed the fact that notice issued under Section 135 (Theft Case), the column

under the head of “Theft detect on dated” is found blank. As such on the basis of incomplete document, enquiry was conducted by them.

(iv) Fourthly, the submission of the petitioner is that on 11.11.2025, he has lodged the complaint against the department to the police station Kalmeshwar. However, that complaint was reported as NCR No.1102 of 2025. In this complaint he has alleged that his electric meter is missing and therefore, the appropriate action be taken in the matter.

(v) The petitioner then submitted that on all these issues he has issued the legal notice to the respondents on 8th December 2025 and pointed out that they have dishonestly indulges him in theft case and therefore, requested to restore the electric supply. The respondents have replied his legal notice without justifying how the allegation of petitioner are incorrect.

(vi) Lastly, the petitioner has stated that the panchanama and the other documents which are relied upon by the respondents are not trustworthy and found to be manipulated.

As such on all these grounds, the petitioner approached before this Court seeking quashing of the FIR registered against him and to restore electricity.

6. In response to the notices issued by this Court, the respondent Nos.2 to 5 filed their detailed reply. The respondents in support of their submission has also placed on record the documents which bears the signatures of the petitioner. The respondents had specifically stated that on 27.08.2025, when the respondents had approached the petitioner's house for the purpose of replacing the old meter, in presence of the petitioner, old meter was removed and at that time, it was observed that in the old meter at the back side two wholes were found, which were not made in the original meter. Therefore, the respondents became suspicious and accordingly, old meter first taken in custody and new meter was installed. The old meter was properly sealed and the seizure panchnama was prepared in the presence of the petitioner. The said seizure panchnama dated 27.08.2025 is filed along with the reply, which shows the signature of the petitioner on the said document. After seizing the old meter, the same was sent to the competent officer i.e., Deputy Executive Engineer and requested for MRI data of the said meter. The said MRI data was received to the respondents on 08.09.2025 along with all the details as to how the meter was tempered with by the petitioner. Report dated 08.09.2025 is also filed along with reply. The respondents then specifically pointed out that on 08.09.2025, in presence of the petitioner, it is revealed that out of three phases i.e., R, Y and B phase two phases were bypassed by the consumer by

tampering the meter. It is further submitted that the tampering was done in the meter either by the petitioner himself or by someone at the behest of the petitioner. Relying on all these tampering data, the communication was made to the Executive Engineer on 11.09.2025 for testing of the meter in presence of the petitioner. The petitioner was asked to remain present for testing and the meter was tested in presence of the petitioner on 16.09.2025. After testing of the meter, it was confirmed that meter was running slow to the extent of 66.67%. The test report is also placed on record, which bears the signature of the petitioner. It is further pointed out by the petitioner that on 16.10.2025 in presence of the petitioner, second panchanama was prepared after opening the meter. The petitioner was explained how the theft has been committed in the meter. The entire incident and the process was video graphed and photographs were also taken. Inspection report was prepared which bears the signature of petitioner and other officers, the same is placed on record. As such, following this procedure, according to the petitioner, the entire action is taken in the matter.

7. The respondents also pointed out that under Section 154(5) of the Electricity Act 2003, the petitioner is having the remedy to approach before the Special Court. In support of this submission, respondent has relied upon the judgment of this Court in the case of *Dhairyashil Arun Doifode Versus*

Maharashtra State Electricity Distribution Company Ltd. And Another reported in ***2018 SCC OnLine Bom 2770***, wherein in para 13, this Court observed as under:

“13. I am in the agreement with the view taken by the Allahabad High Court. In these circumstances, it was permissible for the Special Court to determine the civil liability and it was not necessary for the Court to wait till the conclusion of the trial. As stated hereinabove, the respondents have not filed the charge sheet before the Special Court although the FIR was registered on 29th September, 2017. The applicant cannot be left with no remedy as the liability has to be determined in accordance with Section 154(5) of the said Act. The decision referred to by the Counsel for the respondent is in a different context and the same is not applicable in the present case.”

8. In the background of submission of both the parties and the perusal of the record, it is clear that the petitioner came with the case that documents were manipulated by the respondents, whereas respondents came with the case that with due intimation and in presence of the petitioner, all the procedure has been followed in the matter.

9. In my opinion, prima facie, there are disputed facts in the matter. At this stage this Court is not supposed to conduct mini trial in the matter and to consider the validity and authenticity of the document. In my opinion, all this

exercise can be done by the trial Court, wherein both the parties will get equal opportunity to prove their documentary evidence.

10. In respect of non-adherence of the guidelines by the department can also be ascertained after recording evidence and by verifying the authenticity of documents relied by parties. In my opinion, judgment of Hon'ble Supreme Court in the case of *M/s Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra & Ors.* reported in *(2021) 19 SCC 401* is squarely applicable to the facts of the present matter.

11. In the circumstances, considering the entire factual and legal position, I am not inclined to interfere in the matter.

12. Petition is dismissed. Rule stands discharged. No order as to costs.

[PRAVIN S. PATIL, J.]