



CRM-M-24078-2018

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-24078-2018

Date of Decision: 09.04.2026

ABHISHEK BASANDRAI**.....PETITIONER****VERSUS****STATE OF PUNJAB AND ANR****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE H.S.GREWAL**

Present: Mr. J.S.Lalli, Advocate for the petitioner.

Mr. P.S. Pandher, Asstt. A.G. Punjab.

Mr. Rishabh Gupta, Advocate for respondent No.2.

H.S. GREWAL, J. (ORAL)

1. This petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.232 dated 12.06.2014 under Section 135 of the Electricity Act, 2003, registered at Police Station APT, District Jalandhar, and all consequential proceedings arising therefrom.

2. The case of the prosecution is that the petitioner had installed an electricity connection at his residential house and had been regularly paying the electricity bills since its installation. It is alleged that in November 2013, the electricity meter installed at the premises of the petitioner was replaced by the Department and the petitioner was asked to sign certain documents on the pretext of completion of formalities for change of meter. Subsequently, a police official visited the residence of the petitioner and informed him that a complaint had been received from the Department alleging theft of electricity.

3. Learned counsel for the petitioner submits that the registration of the present FIR is a clear abuse of the process of law. It is submitted that the



petitioner had already filed a civil suit seeking declaration to the effect that the demand raised by respondent No.2-PSPCL was illegal, null and void. The said suit was decreed in favour of the petitioner vide judgment and decree dated 20.05.2016 passed by the learned Additional Civil Judge (Senior Division), Phillaur (Annexure P-2), holding that the demand raised by the Department was illegal and no case of theft of electricity was made out. It is further submitted that the said judgment has attained finality as the same has not been challenged by the Department/respondent No.2. In support of his submissions, learned counsel has relied upon the judgment of this Court in **M/s Mahalakshmi Spinners Ltd. and others vs. State of Haryana and another 2007(1) RCR (Civil) 381.**

4. *Per contra*, learned State counsel, while referring to the reply filed by way of an affidavit of Deputy Superintendent of Police, Vigilance and Security PSPCL, Ludhiana (Camp at Jalandhar) submits that the FIR was registered on the basis of a complaint received from the Assistant Executive Engineer, PSPCL, Phillaur, alleging theft of electricity by the petitioner.

5. On the other hand, learned counsel for respondent No.2 has also opposed the petition and, while referring to the written statement filed on behalf of PSPCL, filed through Sh. Hardeep Kumar, Senior XEN, Goraya, DS Division, PSPCL submits that the demand was raised on the basis of the report of the ME Lab and in accordance with applicable norms. It is submitted that civil liability and criminal proceedings operate in different aspects and the criminal Court is competent to independently examine the allegations in the FIR. However, it is not disputed that the judgment and decree passed by the Civil Court has not been challenged and has attained finality.



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6. I have heard learned counsel for the parties and perused the record.

7. The present case arises out of allegations of theft of electricity, forming the basis of the impugned FIR registered at the instance of PSPCL. The petitioner, however, had challenged the very same demand raised by the Department by way of a civil suit, seeking declaration that the demand of Rs. 1,13,605/- raised vide Memo No. 1220 dated 10.06.2014, as well as the compounding charges of Rs. 48,000/- imposed with respect to connection No. PC-27/649, were illegal, null and void. The said suit was allowed by the learned Additional Civil Judge (Senior Division), Phillaur, who returned a categorical finding that the demand raised by the Department was illegal and that no case of theft of electricity was made out against the petitioner. Moreover, the said judgment and decree passed by the Civil Court has not been challenged and attained finality.

8. In view of the above, this Court is of the considered opinion that the very foundation of the criminal proceedings stands demolished. Once a competent Civil Court has adjudicated upon the issue and held that no theft of electricity was committed, continuation of criminal proceedings on the same set of allegations would amount to abuse of the process of law.

9. Consequently, the present petition is allowed and FIR No. 232 dated 12.06.2014 registered under Section 135 of the Electricity Act, 2003 at Police Station APT, District Jalandhar, along with all consequential proceedings arising therefrom, is hereby quashed qua the petitioner.

(H.S.GREWAL)
JUDGE

09.04.2026.

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Whether speaking/ reasoned :
Whether Reportable :

Yes/No
Yes/No