



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

CRWP-5044-2026

Date of decision: 01.05.2026

Punjab State Power Corporation Limited

.....Petitioner

versus

National Lok Adalat, Ludhiana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gurbhej Singh, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

1. Petitioner has approached this Court by way of filing petition under Section 226/227 of the Constitution of India seeking setting aside/quashing the impugned order dated 14.12.2024 passed by respondent No.1 whereby respondent No.1 has accepted the cancellation report submitted by IO of P.S. Anti Power Theft Ludhiana in FIR No.644 dated 29.10.2020, under Section 136 of Electricity Act, 2003, registered at Police Station Anti Power Theft Ludhiana.

2. Succinctly, facts of the case are that the present FIR got registered on the basis of letter sent by Addl XEN PSPCL, TL Sub Division Adda Dakha. It was alleged that wires of 66 KV Ferozepur Adda Dakha line were embezzled from the spot after there was cut down from Rail Pole No.16 to 21. It was alleged that on 15.10.2020, a wire was fixed from Rail Pole No.16 to 18 which was also cut down and Rail Pole No.17 to 19 erected on the land of Sarman ji Vatika, have been dismantled in the intervening night of 15/16.10.2020 from the spot. It was further alleged that behind the afore-mentioned occurrence, Karan Arora, owner of



Sarman ji Vatika and Gurdial Singh Dhillon were involved to get personal benefits. Hence, the department has suffered a huge loss of lakhs of rupees. Thus, request was made to take action under Section 136 of Electricity Act, 2003 against the accused persons for embezzling the property of PSPCL.

3. Learned counsel for the petitioner has submitted that a cancellation report was submitted by the I.O. on 14.12.2024, without any instructions or authority from his higher officials. He submits that the statement given by SDO Harbhajan Singh, was signed by an unauthorized third person, namely, Gurjant Singh, which is the result of misrepresentation of facts. He has submitted that as per Section 136 of the Electricity Act, 2003 "Theft of Electric Lines and Materials" is a serious statutory offence and merely depositing a penalty or compounding fee, which, even otherwise, was paid partly, does not automatically entitle an accused for the cancellation of the FIR. He has submitted that there is a grave violation of the provisions of Cr.P.C. as the IO surpassed his superiors (SHO) and submitted the report while SHO was on leave and mislead the DSP. He further submits that the cancellation order was obtained through fraud and impersonation, which is an abuse of the process of the law.

4. Notice of motion.

5. On asking of the Court, Mr. K.D. Sachdeva, D.A.G., Punjab, accepts notice on behalf of respondent-State.

6. Learned State counsel, on the other hand, has opposed the submissions made on behalf of the petitioner. He draws the attention of this Court to the impugned order dated 14.12.2024, passed by Presiding

Officer, National Lok Adalat-cum-Additional Sessions Judge, Ludhiana, whereby the cancellation report was accepted by observing that the accused had already deposited the requisite penalty amount alongwith compounding fee and nothing is due against the accused persons.

7. Heard.
8. For resolving the issue raised, the appreciation of Section 152 of Electricity Act, is relevant which is as follows:-

“152 Compounding of offences

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Appropriate Government or any officer authorised by it in this behalf may accept from any consumer or person who committed or who is reasonably suspected of having committed an offence of theft of electricity punishable under this Act, a sum of money by way of compounding of the offence as specified in the Table below:

Nature of Service Rate at which the sum of money for compounding to be collected per Kilowatt (KW)/Horse Power (HP) or part thereof for Low Tension (LT) supply and per Kilo Volt Ampere (KVA) of contracted demand for High Tension (HT)

Table

(1) (2) 1. Industrial Service	twenty thousand rupees;
2. Commercial Service	ten thousand rupees;
3. Agricultural Service	two thousand rupees;
4. Other Services	four thousand rupees:

Provided that the Appropriate Government may, by notification in the Official Gazette, amend the rates specified in the Table above.

(2) On payment of the sum of money in accordance with sub-section (1), any person in custody in connection with that offence shall be set at liberty and no proceedings shall be instituted or continued against such consumer or person in any criminal court.

- (3) The acceptance of the sum of money for compounding an offence in accordance with sub-section(1)by the Appropriate Government or an officer empowered in this behalf shall be deemed to amount to an acquittal within the meaning of section 300 of the Code of Criminal Procedure, 1973 (2 of 1974).
- 4) The compounding of an offence under sub-section(1) shall be allowed only once for any person or consumer.

9. After hearing learned counsel for the parties and perusing the record, it is apparent that the impugned order has been passed in view of the statement made by Harbhajan Singh, SDO PSPCL Division. On perusal of the said statement, it is evident that he deposed that the penalty amount along with the compounding fee, has been deposited and nothing was due against the accused, thus, the cancellation report was accepted. Moreover, the impugned order was passed on 14.12.2024 and there is nothing on record to show that if at all the petitioner was prejudiced, what action they had taken during this period, that itself gives credence to the impugned order passed.

10. The submissions made by the counsel for the petitioner are not substantiated. This Court finds no force in the arguments advanced by learned counsel for the petitioner and thus, having no merit in the petition filed, the same is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

01.05.2026
ps-I

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No