HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 45276 of 2026

Sangeeta

.....Applicant(s)

Versus

State Of U.P. And 2 Other

.....Opposite Party(s)

Counsel for Applicant(s) : Chandra Bhan Yadav, Sudhakar Shukla
Counsel for Opposite Party(s) : G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for applicant, Mr. Gaurav Singh learned counsel counsel for the Power Corporation, as well as learned A.G.A. for the State and perused the material brought on record.

2. This application under Section 528 B.N.S.S. has been filed with the prayer to set aside the cognizance/summoning order dated 24.09.2024 as well as for quashing of the charge sheet dated 08.07.2023 including the entire proceeding of Session Case No. 1351 of 2024, (State Vs. Monu Gond), arising out of Case Crime No. 0795 of 2021, under Section 138(1)(b) of Electricity Act (Amendment) 2003, Police Station Anti Pawer Theft Hamirpur, District Hamirpur, pending in the court of Additional Session Judge, Court No. 1, Hamirpur.

3. Learned counsel for the applicant submits that since offence in question is compoundable and the applicant is ready to settle the matter, therefore, some time may be granted to him for the said purpose and to approach the authority concerned under Section 152 of the Electricity Act.

4. Learned counsel for the Power Corporation as well as learned A.G.A. has no objection, if the offence is compounded under the relevant provision of the Electricity Act.

5. Having regard to the facts and circumstances of case and having considered the submissions made by learned counsel for parties and keeping in view the willingness shown by learned counsel for applicant, this Court is

of the view that no useful purpose would be served by keeping this application pending.

6. In view of above, it is provided that in case, the applicant moves an application for compounding under the relevant provisions of Electricity Act before the concerned authority within two weeks from today along with the certified copy of this order before the authority concerned, the same shall be considered and decided by the authority concerned as expeditiously as possible in accordance with law, preferably within a period of six weeks months from the date of production of same after hearing the parties concerned.

7. For a period of two months or till the disposal of said application, whichever is earlier, no coercive action shall be taken against applicant in the aforesaid case.

8. In case of default on the part of applicant, interim protection granted to applicant shall automatically come to an end.

9. With the aforesaid observations, this application stands finally **disposed of.**

(Dr. Gautam Chowdhary,J.)

November 2, 2026
CP.sahani

Digitally signed by :-
CHANDRA PRAKASH SAHANI
High Court of Judicature at Allahabad