

(2013) 08 MP CK 0319
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 6541 of 2013

Avdhesh Singh Yadav

APPELLANT

Vs

Madhya Pradesh Madhya Kshetra Vidyut Vitran Co. Ltd.

RESPONDENT

Date of Decision : 16-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Electricity Act, 2003 — Section 135, 138

Citation : (2013) 08 MP CK 0319

Hon'ble Judges : Brij Kishore Dube, J

Bench : Single Bench

Advocate : Jitendra Sharma, for the Appellant; Rajendra Bhargava, Advocate for Respondent No. 1 and Shri R.K. Shrivastava, Panel Lawyer for Respondent No. 3/ State, for the Respondent

Final Decision : Disposed Off

Judgement

Brij Kishore Dube, J.—Heard on the question of admission and perused the record. With the consent of learned counsel for the parties, this petition is heard finally.

2. This petition u/s 482 of Cr.P.C. has been filed by the petitioner for quashing the order dated 18.10.2005 passed by Special Judge (Electricity) Gwalior in Special Sessions Trial No. 394/09 whereby cognizance under Sections 135 and 138 of the Electricity Act has been taken and its consequent proceedings pending before it.

3. Learned counsel for the petitioner submits that the respondent No. 1 filed a complaint u/s 138 of the Electricity Act against the petitioner with relation to electricity connection bearing No. 2380092 but the same has been transferred in the year 2003 in favour of the respondent No. 2/Sanjay Kumar, thereafter, petitioner is not having any connection with the aforesaid electricity connection number. Since the proceedings have instituted in relation to the electricity connection No. 2380092 and the petitioner has no connection with the aforesaid,

therefore, the continuance of the proceedings would amount to abuse of process of law, therefore, the criminal proceedings pending against the petitioner before the Special Judge (Electricity), Gwalior bearing S.S.T. No. 394/09 may be quashed.

4. Learned counsel for the respondent No. 1 by submitting reply fairly conceded that the service connection No. 2380092 was disconnected on 08.09.2005 for default of payment of outstanding dues. On inspection on 14.09.2005, it was found reconnected and therefore, complaint has been filed under Sections 135 and 138 of the Electricity Act before the Special Judge, Gwalior. He fairly conceded that on inquiry, it was found that the petitioner sold the premises in question to the respondent No. 2/Sanjay Kumar and the respondent No. 2 applied for transferring the connection in his name but due to clerical mistake, the name of the respondent No. 2 could not be entered in place of the petitioner, therefore, the complaint has been wrongly filed against the petitioner. Learned counsel submitted that the respondent No. 1 decided to withdraw the Complaint of Special Sessions Trial No. 394/2009 pending before the Special Judge, Gwalior against the petitioner.

5. In view of the aforesaid and looking to the facts of the case, the criminal proceedings pending against the petitioner before the Special Judge (Electricity) Gwalior in Special Sessions Trial No. 394/09 under Sections 135 and 138 of the Electricity Act and its consequent proceedings pending before it are ordered to be dropped. This petition is disposed of accordingly.