
(2011) 08 UK CK 0185

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 745 of 2011

Farrukh, Nazaqat Ansari and Riyasat

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

Date of Decision : 30-08-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Electricity Act, 2003 — Section 135, 152

Citation : (2011) 08 UK CK 0185

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the Petitioners have sought quashing of the First Information Report dated 14.07.2011, relating to offences punishable u/s 135 of Electricity Act, 2003 at Police Station Khanpur, District-Hardwar (Crime No. 48 of 2011 and 54 of 2011).

3. The offence pertains to the theft of electricity, which is reported by the Officer of Power Corporation with the Police.

4. Learned Counsel for the Petitioners submitted that offence is compoundable u/s 152 of Electricity Act, 2003, and the Petitioners have deposited the necessary charges.

5. Considering the above facts and circumstances of the case, and after hearing the parties and having gone through the contents of First Information Report, this Court is not inclined to interfere with the investigation of the case. Accordingly, the writ petition is dismissed with the observation that if the Petitioners namely, Farrukh, Nazaqat and Riyasat surrender before the court concerned, their bail application shall be heard and disposed of without unreasonable delay. It is further observed that if the offence is compounded with

the authority concerned, the Investigating Officer may get verified the fact from the authority concerned and submit his report of conclusion of the investigation (Stay application No. 8981 of 2011, stands disposed of).