
(2008) 01 P&H CK 0233
In the Punjab And Haryana At Chandigarh

Shri Rajinder Pal	Vs	APPELLANT
State of Haryana and Others		RESPONDENT

Date of Decision : 29-01-2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 173, 482
Electricity Act, 2003 — Section 39
Penal Code, 1860 (IPC) — Section 379

Citation : (2008) 2 CivCC 107 : (2008) 152 PLR 215 : (2008) 3 RCR(Civil)
811 : (2008) 3 RCR(Criminal) 741

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Judgement

Rajesh Bindal, J.—The prayer made in this petition filed u/s 482 of the Code of Criminal Procedure (For short "the Code") is for quashing of F.I.R. No. 174 dated June 7, 2006 registered under Sections 379 IPC and 39 of the Electricity Act, 2003 (for short "the Act") at Police Station, Garaunda District Karnal and subsequent proceedings arising therefrom.

2. At the very outset learned Counsel for the petitioner submitted that the legal issue raised in the present petition is squarely covered by the judgment of this Court delivered on January 22, 2008 in Criminal Misc. Petition No. 15719-M of 2005 (Dhan Raj Jain and Anr. v. State of Haryana and Anr.) where in identical circumstances, the FIR registered for theft of energy was quashed on the ground that in terms of provisions of the Act existing at the relevant time, the Court could take cognizance of the offence of theft of energy only on a complaint filed by the competent authority and not on a report presented by the Police u/s 173 of the Code.

Learned Counsels appearing for the respondents do not dispute the proposition of law laid down by this Court in Dhan Raj Jain's case (supra).

3. Accordingly, for the reasons stated in Dhan Raj Jain's case (supra), which shall form part of this order, the F.I.R. No. 174 dated June 7, 2006 registered

under Sections 379 IPC and 39 of the Electricity Act, 2003 at Police Station, Garaunda District Karnal and all subsequent proceedings arising therefrom are quashed.

4. However, Uttari Haryana Bijli Vitran Nigam Limited will be at liberty to file a criminal complaint, if so advised. The petition is disposed of, accordingly.