

(2013) 03 AHC CK 0167
In the Allahabad High Court

Vinod Kumar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 15-03-2013

Acts Referred:

Citation : (2013) 03 AHC CK 0167

Hon'ble Judges : Ravindra Singh, J and Anil Kumar Agarwal, J

Final Decision : Disposed Of

Judgement

Anil Kumar Agarwal, J.

Heard the learned counsel for the petitioner, learned A.G.A. and Sri A. L. Yadav, learned counsel appearing on behalf of U.P. Power Corporation.

This petition has been filed by the petitioner with a prayer to quash the F.I.R. of case crime no. 45 of 2013 under section 135 of the U.P. Electricity Act, P.S. Iglas, District Aligarh.

From the perusal of the F.I.R. it appears that on the basis of the allegations made therein, prima facie, cognizable offence is made out. There is no ground for interfering in the F.I.R. Therefore, the prayer for quashing the impugned F.I.R. is refused.

However, considering the submission made by the learned counsel for the petitioner that the above mentioned offences are compoundable and the petitioner is ready to deposit the compounded amount, it is directed that in case the petitioner moves an application before the court concerned within 20 days from today for compounding the offence, the authority concerned of the Electricity Department shall be summoned by the court concerned within 20 days thereafter for the purpose of submitting the compounding report. The authority concerned shall submit the compounding report within 15 days thereafter, the petitioner shall deposit the compounded amount within 20 days thereafter, till then, no coercive steps shall be taken against the petitioner.

In case the petitioner deposits the compounded amount in the manner as mentioned above, the petitioner shall not be arrested till the submission of the police report under section 173 (2) Cr.P.C. but the petitioner shall cooperate with the investigation and the police report shall be submitted in the light of compounding the offence, in default of moving the application as mentioned above and to deposit the amount as directed above, it shall be open to the I.O. to make arrest of the petitioner.

With the above direction this petition is finally disposed of.