

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Writ Petition No. 1709 of 2023

Akram Ali

.....Petitioner

Versus

State of Uttarakhand and others

.....Respondents

Present:-

Mr. Mehboob Rahi, Advocate for the petitioner.
Mr. Manisha Rana Singh, AGA for the State.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

Petitioner seeks quashing of FIR No. 80 of 2023 under Section 135 of the Indian Electricity (Amendment) Act, 2023, Police Station I.T.I., District Udham Singh Nagar.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR on 27.03.2023, the officers from the Electricity Department visited a place owned by the petitioner and checked his electric meter. It was found that the petitioner had put a device in the system for electricity theft.

4. Learned counsel for the petitioner would submit that the petitioner was not at the spot; he has not done any offence; the petitioner has a valid connection.

5. It is a writ petition under Article 226 of the Constitution of India. In case, the FIR discloses commission of offence, generally, no interference is warranted unless there are compelling circumstances to do so.

6. In the instant case, it is categorically stated in the FIR that there had been some device placed in the electricity system by the petitioner for the purposes of theft of electricity. What is its genuineness and credibility, it may not be decided in this petition. It will fall for scrutiny during investigation or trial, as the case may be.

7. The FIR discloses commission of offence. Therefore, this Court is of the view that there is no reason to make any interference. Accordingly, the petition deserves to be dismissed at the stage of admission itself.

8. The petition is dismissed *in limine*.

(Ravindra Maithani, J)
29.12.2023