



IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 9th OF MAY, 2025

MISC. CRIMINAL CASE No. 20115 of 2025

DAYANAND VYAS

Versus

***MADHYA PRADESH MADHYA KSHETRA VIDYUT VITRAN CO. LTD.
AND OTHERS***

Appearance:

Ms.Ekta Vyas, Advocate for the applicant.

ORDER

This application, under Section 528 of BNSS, has been filed for quashment of charge sheet and criminal proceedings registered under Section 135 of the Indian Electricity Act, arising out of Panchnama No. 114782/45 prepared on 18.1.2021.

2. It is submitted by counsel for applicant that for the first time the applicant received the notice from National Lok Adalat and only thereafter he came to know that criminal case is pending in the Court of Special Judge (under the Electricity Act) at Gwalior as Case No. 253 of 2022. It is submitted that it appears that on 18.1.2021 a panchnama was prepared that applicant was committing theft of electricity by taking direct electric connection to his house by extending two electric wires from the pole which is situated at a distance of 155 meters from his house. It is submitted by counsel for applicant that



applicant is an ex-BSF personnel and is a person with dignity and self-respect and he has not done anything which may tarnish his reputation. The Panchnama which was prepared does not belong to the house of applicant. In fact, the said Panchnama is in respect of the house of his neighbour who has falsely given the name of applicant in order to tarnish his image. Applicant is having regular electricity connection and is regularly making payment of electricity charges which are being raised by the respondent/MPMKVVCL. No notice was ever received by applicant with regard to filing of charge sheet or with regard to pendency of criminal case.

3. Heard learned counsel for the applicant.

4. It is the case of applicant that in fact the Panchnama which was made is not in respect of the house owned by the applicant, but it was in respect of the house which is in possession of his neighbour.

5. Considered the aforesaid submission made by counsel for applicant.

6. In the Panchnama, it is specifically mentioned that at the time of inspection applicant was present on the spot, but he refused to sign the Panchnama. The basic ground for attack is that theft is being committed by his neighbour and not by him. This is a disputed question of fact which cannot be decided by this Court in exercise of power under Section 528 of the BNSS. Furthermore, merely because applicant is having electricity connection, would not mean that he cannot commit theft of electricity. In order to reduce the reading of electricity consumption, a person may commit theft of electricity. Therefore, having electricity connection by itself is not a guarantee that he would not commit theft.

6. Applicant has also filed copy of electricity bill which was issued in the month of April 2025. According to this electricity bill, old dues are Rs. 10,419/-. Therefore, it is clear that otherwise also applicant is not regularly



making payment of electricity bill. From the readings of consumption of electricity units for the last 6 months, as mentioned in the aforesaid bill relied upon by the applicant himself, it is clear that except in the month of November 2024, maximum consumption of electricity by the applicant was only 127 units. In the month of January 2025, it was only 92 units. It is not the case of applicant that he is not having any electric appliances in his house. Meager consumption of electricity may also indicate that either electricity consumption by applicant is very less, or something is fishy.

7. Be that whatever it may be.

8. Question of identity of offender cannot be decided in this case. Accordingly, contention of applicant that in fact electricity theft was being committed by his neighbour and not by applicant cannot be accepted and, hence, it is rejected.

9. So far as non-issuance of any notice prior to filing of charge sheet is concerned, it is suffice to mention here that the said contention has no legs to stand. Had it been a case that applicant was aggrieved by warrant issued by the trial court, then this Court could have considered as to whether any notice prior to filing of charge sheet was given or not. However, in the present case, applicant is seeking quashment of criminal proceedings. Therefore, without entering into the controversy as to whether any prior notice was given to applicant or not, it is suffice to mention here that even if charge sheet was filed without giving any prior notice to the applicant, still prosecution cannot be quashed on the said ground. Even otherwise, applicant has not filed copy of charge sheet, as well as, order-sheets of the Court below. What is the material which has been collected by the prosecution agency, is not known. As the applicant has also not filed the charge sheet, therefore the same cannot be quashed.



10. Since no case is made out warranting interference, accordingly application fails and is hereby dismissed.

(G.S. Ahluwalia)
Judge

(and)