



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

CRIMINAL PETITION NO. 9731 OF 2021

BETWEEN:

M/S ANUSHKA REALTY INC.
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT, 1956
HAVING ITS REGISTERED ADDRESS AT
NO.102, RAJ RESIDENCY-1
MAHAVIR NAGAR, DHANUKARWADI
KANDIVALI WEST
MAHARASHTRA-400067.

REPRESENTED BY ITS GENERAL POWER OF ATTORNEY
M/S PURAVANKARA LIMITED
(FORMERLY PURAVANKARA PROJECTS LTD.)
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
130/1, ULSOOR ROAD,
BANGALORE-566043
REPRESENTED BY ITS AUTHORIZED SIGNATORY
MR. NITHIN BHAT

...PETITIONER

(BY SRI. DHYAN CHINNAPPA, SENIOR ADVOCATE FOR
SRI. JOSEPH ANTHONY, ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY BESCOM VIGILANCE WING
INDIRANAGAR POLICE STATION
BENGALURU-560043.
2. SRI. A. ATAULLA
ASSISTANT EXECUTIVE ENGINEER (ELECTRICAL)
BESCOM VIGILANCE WING

Digitally
signed by
HEMALATHA
J
Location:
HIGH COURT
OF
KARNATAKA



INDIRANAGAR POLICE STATION
BENGALURU-560043.

...RESPONDENTS

(BY SRI. MOHD. AYUB ALI, ADDL. STATE PUBLIC PROSECUTOR FOR
RESPONDENT NO.1;

SRI. KRISHNA S., ADVOCATE FOR SMT. SUMANA NAGANAND,
ADVOCATE FOR RESPONDENT NO.2)

THIS CRL.P IS FILED UNDER SECTION 482 OF THE CODE OF
CRIMINAL PROCEDURE, 1973 PRAYING TO QUASH THE IMPUGNED
COMPLAINT DATED NOVEMBER 17, 2021 (ANNEXURE-B) AND
IMPUGNED FIR BEARING CRIME NO.228/2021 DATED NOVEMBER 17,
2021 (ANNEXURE-A) REGISTERED BY THE INDIRANAGAR BESCOM
VIGILANCE P.S., AS WELL AS QUASH THE ENTIRE PROCEEDINGS IN
CRIME NO.228/2021 PENDING ON THE FILE OF THE ADDITIONAL
CITY CIVIL AND SESSIONS JUDGE AT BENGALURU.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioner has challenged an FIR in Crime
No.228/2021 by the respondent No.1 for the offences
punishable under Section 135(e) of the Electricity Act, 2003,
pending on the file of the Additional City Civil and Sessions
Judge (CCH-71), Bengaluru.

2. (i) The petitioner is a developer of a multi-
dwelling residential apartment, where a 66/11 KV sub-station is
installed to cater to the needs of the residents in the project. It
is claimed that on information received that the fire-fighting



equipments installed in the apartment was drawing electricity unauthorisedly, the installation was inspected on 17.11.2021 and it was found that the same were true. A mahazar was drawn on the same day and some electric meters used for allegedly drawing of the electricity unauthorisedly were seized. Following this, a case in Crime No.228/2021 was registered against the petitioner for offences punishable under Section 135(e) of the Electricity Act, 2003.

(ii) Being aggrieved by the FIR drawn against the petitioner, this petition is filed.

3. (i) The learned Senior counsel for the petitioner submitted that under Section 135(3) of the Electricity Act, 2003, a procedure is prescribed at the time of search of a place and the manner of seizure of equipments used for committing theft of electricity. He submits that the mahazar which is drawn by the respondents shows that the occupants of the apartment or the representative of the occupants of the apartment were not informed about the search and seizure and their signatures were not obtained on the mahazar. Likewise, he submits that the list of articles that were seized was also not handed over to



the person in charge. Therefore, he submits that the entire procedure adopted by the respondents falls foul of Section 135 of the Electricity Act, 2003 and hence, vitiates the prosecution. Besides this, he contends that the Conditions of Supply of Electricity of Distribution Licenses in the State of Karnataka, which was notified on 17.06.2006, is issued under Section 16 of the Electricity Act, 2003 and therefore, has statutory flavour. He invited the attention of the Court to Clause No.42.06(e), which reads as follows:-

"42.06: Theft of Electricity

(e) In case of prejudicial use/Theft of Electricity under Clauses 42.01, 42.02, 42.05 and 42.06 above, the Assessing officer/Authorized officer shall draw mahazar at the time of inspection when such prejudicial use/Theft of Electricity is detected. The mahazar shall be drawn in the presence of the Consumer or his representative along with two other witnesses who shall sign the mahazar report. One copy of such report shall be handed over under acknowledgement of the Consumer or his representative."

(ii) He therefore, submits that if the mahazar is not in accordance with Section 135(3) of the Electricity Act, 2003 and



Clause No.42.06(e) of the Conditions of Supply of Electricity of Distribution Licenses in the State of Karnataka, the entire prosecution stands vitiated. Therefore, he prays that the FIR drawn against the petitioner be set at nought.

4. Per contra, the learned counsel for the respondent No.2 submitted that the question whether the mahazar was in accordance with law or not, is a question of fact which has to be established in trial and not in a proceeding under Section 482 of Cr.P.C. In support of this contention, he relied upon the judgments of Co-ordinate Bench of this Court in Crl.P.No.661/2020 (dated 09.04.2021) and Crl.P.No.201192/2020 (dated 13.09.2023) as well as the judgment of the High Court of Kerala in Bail Appl. No.6388/2025 (dated 10.07.2025). He contends that the mahazar was attested by two independent witnesses as prescribed under the Conditions of Supply of Electricity of Distribution Licenses in the State of Karnataka and therefore, the procedure has been complied. He alternatively submits that the persons, who had signed the witnesses were the authorized representatives of the occupants of the apartment. He therefore, contends that the proceedings cannot be set at



nought on this specious ground. He also contended that this petition is premature and the same is liable to be dismissed.

5. I have considered the submissions of the learned Senior counsel for the petitioner as well as the learned counsel for the respondent No.2.

6. In a case of theft of electricity, which is an offence under Section 135 of the Electricity Act, 2003, a procedure is set out in Section 135(3) for searching the place and seizing equipments used for the purpose of committing such an offence. For the sake of immediate reference, Section 135(3) of the Electricity Act, 2003, is extracted below:-

"135. Theft of electricity:-

(1) xxxxxx

(2) xxxxxx

(3) *The occupant of the place of search or any person on his behalf shall remain present during the search and a list of all things seized in the course of such search shall be prepared and delivered to such occupant or person who shall sign the list:*



Provided that no inspection, search and seizure of any domestic places or domestic premises shall be carried out between sunset and sunrise except in the presence of an adult male member occupying such premises."

7. Likewise, as stated by the Learned Senior counsel for the petitioner, the Conditions of Supply of Electricity of Distribution Licenses in the State of Karnataka contemplate the procedure to be adopted in cases of theft of electricity. For the sake of immediate reference, the same is extracted below:-

"42.06: Theft of Electricity

(e) In case of prejudicial use/Theft of Electricity under Clauses 42.01, 42.02, 42.05 and 42.06 above, the Assessing officer/Authorized officer shall draw mahazar at the time of inspection when such prejudicial use/Theft of Electricity is detected. The mahazar shall be drawn in the presence of the Consumer or his representative along with two other witnesses who shall sign the mahazar report. One copy of such report shall be handed over under acknowledgement of the Consumer or his representative."

8. The purpose of Section 135(3) of the Electricity Act, 2003, is to ensure that the place is searched in the presence of



the occupant or a representative of the occupant and a list of articles seized is delivered to the occupant or the representative of the occupant so as to rule out any foul play and maintain transparency. The allegation in the instant case is that the petitioner had tapped electricity from 66/11 KV line without installing a meter. Therefore, it was necessary at the time of search that the conductor used for tapping electricity from 66/11 KV line was seized. However, the mahazar which is placed on record does not show that a conductor was seized. On the contrary, what is seized are only electricity meters. There is no mention of either the occupant or the representative of the occupant being present at the time of search and seizure. There is no mention as to whether the list of seized items was handed over to the owner or the occupier or the representative of the occupier. As rightly contended by learned Senior counsel for the petitioner, this was a crucial procedure that had to be followed by the respondents before launching prosecution against the petitioner. If a statute requires a particular thing to be done in a particular manner, it should be done in that manner alone or not at all and therefore, the respondents must have complied with the spirit of Section



135(3) of the Electricity Act, 2003 as well as the Conditions of Supply of Electricity of Distribution Licenses in the State of Karnataka at Clause No.42.06(e). As rightly contended by the learned Senior counsel for the petitioner, this vitiated the prosecution and hence, further continuation of the criminal action against the petitioner, is unwarranted as that would be a futile exercise.

9. In that view of the matter, this petition is ***allowed***. The FIR drawn against the petitioner in Crime No.228/2021 by the respondent No.1 for the offences punishable under Section 135(e) of the Electricity Act, 2003, pending on the file of the Additional City Civil and Sessions Judge (CCH-71), Bengaluru, is quashed.

10. In view of disposal of the petition, pending I.As., if any, do not survive for consideration and the same stand disposed off.

Sd/-
(R. NATARAJ)
JUDGE