

Court No. - 12

Case :- APPLICATION U/S 482 No. - 9966 of 2023

Applicant :- Pulkit Kumar Prajapati And 3 Others

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home Civil Sectt. Lko. And Another

Counsel for Applicant :- Pal Singh Yadav, Ashish Kumar Singh, Prathama Singh

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. Present application has been moved by the applicants for quashing the summoning order dated 28.04.2023 passed by the Special Additional Chief Judicial Magistrate C.B.I. (A.P.), Lucknow in Criminal Case No.41109 of 2023; State Vs. Pulkit Prajapati and Ors. and charge sheet dated 02.11.2022 in Case Crime No.248 of 2021 U/S 498A, 323, 504, 506, 354 I.P.C. and 3/4 of D.P. Act, P.S. Wazirganj, District- Lucknow.

3. Learned counsel for the applicants submitted that the alleged offence was taken place at Agra but the F.I.R. of case in question was lodged by the private respondent at P.S. Wazirganj, District- Lucknow only with the intention to victimize him. He further submitted that Section 177, 178 and 179 of Cr.P.C. clearly provides the jurisdiction of criminal Courts as well as the place of inquiry and trial. He further submitted that Investigating Officer submitted charge sheet in the most mechanical manner without considering the aforesaid provisions and the Special Additional Chief Judicial Magistrate, C.B.I. (A.P.), Lucknow has also taken cognizance which is beyond jurisdiction.

4. Learned counsel for the applicants relied on the decision of Hon'ble Apex Court in the cases of ***Bhura Ram and Others Vs. State of Rajasthan and Another*** reported in **2008 SCC OnLine SC 608**, ***Sujata Mukherjee Vs. Prashant Kuar Mukherjee*** reported in **(1997) 5 SCC 30**, ***Kaushik Chatterjee Vs. State of Haryana and Ors.*** reported in **2020 SCC OnLine SC 793**, ***Y Abraham Ajith and Ors. Vs. Inspector of Police, Chennai and Anr.*** reported in **2004 SCC OnLine SC 896** and ***Sunita Kumari Kashyap Vs. State of Bihar and Anr.*** reported in **2011 SCC OnLine SC 617** and submitted that it is obligatory on the part of Investigating Officer to submit charge sheet before a Court in

whose jurisdiction the alleged offence was taken place and it is obligatory on the part of trial court to consider this fact at the time of taking cognizance that whether the alleged offence was taken place under its jurisdiction or not and requested for kind indulgence of this Court.

5. Learned A.G.A. opposed the prayer of applicants and submitted that this controversy is settled for the purpose under Section 498A and its allied offences. He further relied on the decision of Hon'ble Apex Court in the case of ***Rupali Devi Vs. State of U.P. and Anr.*** reported in ***(2019) 5 SCC 384*** and submitted that the judgment relied on by learned counsel for the applicant have no relevancy in the present case after decision of Hon'ble Apex Court in the case of ***Rupali Devi (supra)***, therefore, application is liable to be dismissed.

6. Considering the submissions of learned counsel for the parties, going through the contents of application, judgments relied upon by learned counsel for the applicant as well as learned A.G.A., and other relevant documents, as it is evident that controversy related to the jurisdiction for the offence under Section 498A and other allied offences have already been decided and it is held that the residence of victim would be a place of making complaint, therefore, there is no illegality in the order passed by trial court and I am of the view that the application is misconceived and liable to be dismissed.

7. Accordingly, the application is hereby ***dismissed***.

8. After dictation of the aforesaid order, learned counsel for the applicants submitted that he does not want to press the present application and requested for withdrawal of the same.

9. Accordingly, the application is ***dismissed as withdrawn***.

Order Date :- 18.10.2023

V. Sinha