



2025:UHC:473

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
	10.01.2025		<u>C528 NO. 43 of 2025</u> Mr. Ravi Joshi, counsel for the petitioner. 2. Counsel for the petitioner would submit that this petition is filed under Section 528 B.N.S.S. to quash charge sheet dated 31.01.2024, the impugned cognizance order dated 23.09.2024 passed by the learned Additional Chief Judicial Magistrate 1st, Dehradun in Criminal Case No. 7456 of 2024 as well as the entire proceeding the said case. 3. Counsel for the petitioner/accused would submit that respondent no.3 is the daughter-in-law of the petitioner/accused; that, initially a complaint was lodged by the respondent no.3 at Police Station Shyampur, Rishikesh; that, the same was transferred to Mahila Counselling Cell, Rishikesh; that, thereafter, on the request of the complainant/respondent no.3, the matter was sent to Incharge Mahila Help Line, Dehradun, wherein the respondent no.3/complainant made an application that the matter be sent to Police Station Dehradun for further action; that, thereafter, the case was registered at Police Station Patel Nagar, Dehradun. He would further submit that the entire matter is related to Rishikesh and comes within the jurisdiction of Police Station Rishikesh, as such F.I.R. must have been lodged and investigated by the police at Rishikesh and P.S. Patel Nagar has no jurisdiction to lodge a regular F.I.R. in the present matter, therefore, the entire proceedings against the petitioner/accused are unsustainable in the eyes of law and same are liable to be quashed. 4. On the query of this Court, counsel for the petitioner/accused apprises that the respondent no.3/complainant is the resident of the area within the territorial jurisdiction of Police



		Station Patel Nagar, Dehradun. 5. <i>Prima facie</i>, it seems that the F.I.R. registered at the Police Station where the respondent no.3 is presently residing, is not bad in law only for the reason of lack of territorial jurisdiction of the police to register the F.I.R. As per the provisions of law, the proceedings cannot be quashed only for the reason of lack of territorial jurisdiction of the police station where the F.I.R. has been registered. The police station is duty bound to send the F.I.R. to the police station which has the jurisdiction to enquire, investigate and file the chargesheet against the accused persons if there are evidences. 6. For the aforesaid reasons, this Court thinks that it is not a fit case where the power u/s 528 B.N.S.S. should be exercised, therefore, the petitioner/accused is not entitled to get any relief at this stage, therefore, the instant petition is liable to be dismissed. 7. Accordingly, the present C-528 petition lacks merits and the same is hereby dismissed. 8. No order as to costs. 9. The S.H.O./Incharge of the Police Station Patelnagar, Dehradun is directed to enquire into that point whether it has the jurisdiction to proceed with the matter and if it does not have jurisdiction as per the provisions of law then the F.I.R. be sent to the police station with the territorial jurisdiction to inquire, investigate the complaint. (Vivek Bharti Sharma, J.) 10.01.2025 Mamta
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