IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Criminal Writ Petition No.1197 of 2014

Santosh s/o Balasaheb Gite
And Others. .. **Petitioners.**

Versus

The State of Maharashtra
And Another . .. **Respondents.**

Shri. K.D. Bade Patil, Advocate, holding for Shri. Arvind G. Ambetkar, Advocate, for petitioners.

Shri. K.S. Patil, Additional Public Prosecutor, for respondent No.1.

Shri. S.B. Madde, Advocate, for respondent No.2.

CORAM: T.V. NALAWADE
INDIRA K. JAIN, JJ.

DATE : 24th APRIL 2015

ORDER :

This petition under Article 227 of the Constitution of India and section 482 of the Code of Criminal Procedure is filed for quashing proceeding in R.C.C. No.46/2014 pending before the learned Judicial Magistrate, First Class, Ahmedpur, District Latur arising

out of CR No.72/2013 registered with Kingaon Police Station for the offences punishable under sections 498-A, 323, 504 and 34 of the Indian Penal Code.

2) It is necessary to give gist of the facts. Petitioner No.1 Santosh is the husband of respondent No.2 - Girija. Petitioners 2 and 3 are father and mother-in-law and petitioner 4 is brother-in-law of respondent No.2.

3) According to respondent No.2/complainant, she was married to Santosh on 7-5-2012 as per Hindu customary rites in a temple at Sinnar, District Nashik. After marriage for 4 - 5 months she was treated well. Thereafter, her husband and in-laws started ill-treating her on demand of Rs.5 lacs. She was abused and beaten by them. She informed about the harassment to her parents. On 9-11-2013 she was dragged out of the house. Therefore, she started residing with her father and mother at Satala, Taluka Ahmedpur, District Latur.

4) On 8-12-2013 she reported the incident to Kingaon Police Station. On her report, Crime No.72/2013,

as stated above, was registered. Investigation was completed. Then charge sheet was filed. It is pending before the concerned Court.

5) At the outset, learned counsel for petitioners raised a preliminary objection and vehemently contended that cause of action in the present case never arose within the jurisdiction of Kingaon Police Station and the Court of Judicial Magistrate, First Class, Ahmedpur. The learned counsel took us through FIR, statements of witnesses and the material collected during investigation and without admitting the factum of marriage as alleged by respondent No.2 submitted that jurisdiction at the most would lie with Satpur Police Station and the concerned Court at Nashik. It was alleged that proceedings were initiated at the wrong place and it is necessary to quash and set aside the same.

6) Per contra, learned counsel for respondent No.2 strenuously submitted that FIR and proceedings cannot be quashed on the ground of territorial jurisdiction and at the most proceedings can be transferred to the

Court having the territorial power. In support, learned counsel for respondent No.2 placed reliance on Satvinder Kaur v. State [AIR 1999 SC 3596].

7) Needless to state that under section 177 of the Code of Criminal Procedure ordinary place of inquiry and trial is the place in whose local jurisdiction offence is committed. In the present case, there is no whisper in FIR that offence was committed at any time within the jurisdiction of Kingaon Police Station or the Court of Judicial Magistrate, First Class, Ahmedpur. From FIR as well as statements of witnesses it is crystal clear that place of territorial jurisdiction would be Satpur at Nashik.

8) Considering the above circumstances we do not find it appropriate to dilate on merits of the petition. Keeping in view the relevant provisions under the Code, we think it proper to transfer the proceedings to the Court having territorial jurisdiction in the matter.

9) Accordingly, the proceedings in R.C.C. No.46/2014 (State v. Santosh Balasaheb Gite and others) pending in the Court of the Judicial Magistrate, First Class, Ahmedpur, District Latur are hereby withdrawn and transferred to the Chief Judicial Magistrate Nashik who, in turn, to assign the matter to the concerned Court having territorial power.

10) Parties to appear before the concerned Court on 26-6-2015.

11) Criminal Writ Petition stands disposed of in aforesaid terms. Interim relief stands vacated.

Sd/- Sd/-

(INDIRA K. JAIN, J.) **(T.V. NALAWADE, J.)**

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