

IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 04.08.2015

W.P.(CRL) 2269/2014

SUDHIR MANSINGHKA

..... Petitioner

Through Mr. Amit Kumar, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ANR

..... Respondents

Through Mr. Sanjay Lao, Addl.Standing Counsel
(Crl.)

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India prays for the following relief:-

“A. Issue a writ of certiorari for quashing of FIR No.375/2014 dated 12.05.2014[Annexure-I] registered

u/s 34/406/498A IPC at P.S.: Burari along with the consequent investigation, Or in the alternative;

B: Issue a writ of mandamus for the transfer of the said FIR No.375/14 dated 12.05.2014[Annexure-I] registered u/s 34/406/498A IPC at P.S.:Burari along with the consequent investigation to the jurisdiction of the Police Station Boriwali, Mumbai, Maharashtra.

C. Pass such other and further order [s] as may deem fit and proper and in the interest of justice.”

2. Mr.Amit Khurana, learned counsel appearing for the petitioner invites my attention to the decision of this Court in *Sonu & Ors.* Vs. *Government of NCT of Delhi*, page 4, paragraph 5, to urge that in the event of the Investigating Officer arriving at a conclusion that the offence was not committed within his jurisdiction the subject F.I.R. should be forwarded to the police station having jurisdiction.

3. However, Mr. Lao, learned Additional Standing Counsel (Crl.) states that the subject F.I.R. has been registered on the basis of a complaint for the commission of an offence within the jurisdiction of the Police Station - Burari, Delhi.

4. Mr. Lao, invites my attention to a decision of the Hon’ble Supreme Court in *Satvinder Kaur* vs. *State (Govt. of NCT of Delhi)*,

AIR 1999 SCC (CrI), 1503, to urge that the High Court cannot quash an F.I.R. on the ground of want of territorial jurisdiction pending investigation. Mr. Lao, further states that the S.H.O. may after investigation, if he comes to the conclusion that the concerned police station had no territorial jurisdiction to investigate forward the case to the Magistrate empowered to take cognizance of the offence.

In view of the above, the prayer seeking quashing of F.I.R., along with the consequent investigation cannot be granted. Insofar as the alternative prayer of transferring the subject F.I.R. to Police Station Boriwali (W), Mumbai, is concerned, if the Investigating Officer in the subject F.I.R. comes to a conclusion that the offence committed in the subject F.I.R. was not committed within his jurisdiction he may forward it to the Magistrate competent and empowered to take cognizance of the said offence, in accordance with law.

With the above directions the writ petition is dismissed.

SIDDHARTH MRIDUL, J

AUGUST 04, 2015

bp