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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 14.08.2015

W.P.(CRL) 1702/2015 & CRL.M.A.11650/2015

VINOD KUMAR JANGID

..... Petitioner

Through: Mr. Bhagat Singh, Advocate

Versus

**GOVERNMENT OF NATIONAL CAPITAL
TERRITORY**

..... Respondent

Through: Ms. Nandita Rao, ASC (Criminal)
with SI Chetan Mandia, PS- Sagarpur,
New Delhi

CORAM:

HON'BLE MR JUSTICE SIDDHARTH MRIDUL

SIDDHARTH MRIDUL, J (ORAL)

1. The present is a petition under Article 226 of the Constitution of India read with section 482 Cr.P.C., 1973 praying for transfer of FIR No.224/2015, under sections 498-A/406 IPC, registered at Police Station- Sagarpur, New Delhi to the Rajasthan Police at Jaipur for further investigation. The prayer clause in the petition reads as follows:-

“a) Transfer case FIR No.224/2015 registered with P.S. Sagarpur, New Delhi under section 406/498A/34 IPC to Jaipur, Rajasthan for investigation thereof because Jaipur Courts alone have jurisdiction; and

b) Pass such further orders or grant relief that this Hon’ble Court may deem fit and proper under the facts and circumstances of the case.”

2. However, learned counsel appearing on behalf of the petitioner limits the relief in the present petition to a direction to the IO of the concerned Police Station to expeditiously arrive at a conclusion on the issue whether they have territorial jurisdiction to investigate into the subject FIR. It has been brought to my attention that the subject FIR was registered on 15.03.2015 and no decision has been taken in this behalf by the concerned Police Station for the past six months.

3. Notice.

4. Mr. Lao, learned Additional Standing Counsel (Criminal) accepts notice. On instructions from the IO in the subject FIR SI Chetan Mandia, Police Station- Sagarpur, New Delhi, Mr. Lao states that despite repeated notices in this behalf, the petitioner has failed to join investigation and

cooperate with the police. This assertion on behalf of the IO is strongly refuted by the counsel appearing on behalf of the petitioner.

5. Be that as it may, in **Naresh Kavarchand Khatri vs. State of Gujarat and Another**, reported as (2008) 8 SCC 300, the Hon'ble Supreme Court while considering the powers of the High Court to transfer of investigation from the jurisdiction of one Police Station to another, observed as follows:-

- “6. The power of the court to interfere with an investigation is limited. The police authorities, in terms of Section 156 of the Code of Criminal Procedure, exercise a statutory power. The Code of Criminal Procedure has conferred power on the statutory authorities to direct transfer of an investigation from one police station to another in the event it is found that they do not have any jurisdiction in the matter. The court should not interfere in the matter at an initial stage in regard thereto. If it is found that the investigation has been conducted by an investigating officer who did not have any territorial jurisdiction in the matter, the same should be transferred by him to the police station having the requisite jurisdiction.
7. It is of some significance that the High Court exercised its jurisdiction even without notice to the petitioner. The investigation has to be carried out on the basis of the allegations made. The first informant is required to be examined; statements of his witnesses were required to be taken; the accused were also required to be interrogated. The undue haste with which the High Court has exercised its jurisdiction, in our opinion, should not be encouraged.

8. Whether an officer in charge of a police station has the requisite jurisdiction to make investigation or not will depend upon a large number of factors including those contained in sections 177, 178 and 181 of the Code of Criminal Procedure. In a case where a trial can be held in any of the places falling within the purview of the aforementioned provisions, investigation can be conducted by the officer in charge of the police station concerned which has jurisdiction to investigate in relation thereto. Sub-section (4) of section 181 of the Code of Criminal Procedure would also be relevant thereof. We need not dilate more on analyses of the aforementioned provisions as the said question has been gone into by this Court on more than one occasion.”

6. In view of the dictum of the Supreme Court as clearly and unambiguously expressed in the paragraphs extracted above of the said report, the power of the Court to interfere with an investigation is severely limited. It is for the police authorities in terms of section 156 Cr.P.C. to exercise the statutory power to direct transfer of an investigation from one Police Station to another, in the event it is found that they do not have any jurisdiction in the matter. The Court cannot interfere in the matter at an initial stage. If it is found after the investigation that the concerned Police Station does not have territorial jurisdiction in the matter, the same would be

transferred by the said Police Station to the Police Station having requisite jurisdiction.

7. In view of the above, the present petition is without any merit and is accordingly dismissed. The pending application also stands disposed of.

SIDDHARTH MRIDUL, J

AUGUST 14, 2015
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