

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 35346 of 2013

Arising Out of PS.Case No. -188 Year- 2010 Thana -LAKHISARAI District- LAKHISARAI
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Md. Arif S/o Md. Anis, Resident of Village- Naya Tola Usri, Police
Station- Gogri, District- Khagaria

.... Petitioner

Versus

1. The State of Bihar
2. Rashiya Parveen D/O Md. Harif Resident of Village- Choti
Dargah, P.S. and District- Lakhisarai

.... Opposite Parties
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with

Criminal Miscellaneous No.32014 of 2013

Arising Out of PS.Case No. -188 Year- 2010 Thana -LAKHISARAI District- LAKHISARAI
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1. Md. Anis @ Anisuddin Son of Late Shekhawat Hussain R/O
Village-Naya Tola Usri, P.S.-Gogri, District-Khagaria
2. Sakina Khatoon Wife of Md Anis R/O Village-Naya Tola Usri,
P.S.-Gogri, District-Khagaria
3. Md. Nehal Son of Md Anis R/O Village-Naya Tola Usri, P.S.-
Gogri, District-Khagaria
4. Md. Sikandar Son of Md Anis R/O Village-Naya Tola Usri, P.S.-
Gogri, District-Khagaria
5. Md. Afroj Son of Md Anis R/O Village-Naya Tola Usri, P.S.-Gogri,
District-Khagaria
6. Md. Safroj Son of Md Anis R/O Village-Naya Tola Usri, P.S.-
Gogri, District-Khagaria
7. Haniya Khatoon Daughter of Md Anis R/O Village-Naya Tola
Usri, P.S.-Gogri, District-Khagaria
8. Md Habib @ Md Hasib Son of Md Majid R/O Village-Naya Tola
Usri, P.S.-Gogri, District-Khagaria

.... Petitioners

Versus

1. The State of Bihar
2. Rashiya Parveen D/O Md Harif R/O Village-Choti Dargah, P.S.
and District-Lakhisarai

.... Opposite Parties
=====

Appearance :

(In Cr.Misc. No.35346 of 2013)

For the Petitioner/s : Mr. Binay Kumar

For the Opposite Party/s : Mrs. Anuradha Singh (App)
(In Cr.Misc. No.32014 of 2013)

For the Petitioner/s : Mr. Abdul Manan Khan
Mr. Md. Najmul Hoda

For the Opposite Party/s : Mrs. Veena Rani Prasad(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 13-05-2016

Heard learned counsel for petitioners and learned

Addl. Public Prosecutor.

In both the petitions, petitioners have prayed for quashing of an order dated 30-04-2013, whereby petition for discharge filed under Section 239 of the Cr.P.C. was rejected and as such, both the petitions were taken up together and are being disposed of by this common order.

In the 1st case i.e. Cr. Misc. No. 35346 of 2013, the petitioner is the husband of the informant and in the 2nd case i.e. Cr. Misc. No. 32014 of 2013, petitioners are family members of in-laws of the informant.

The F.I.R. was lodged, as per written complaint filed by the informant, which was registered as Lakhisarai P.S. Case No. 188 of 2010 for offence under Section 498(A) of the Indian Penal Code and Sections 3 & 4 of the Dowry Prohibition Act, 1961. After lodging F.I.R., the case was investigated and chargesheet was submitted against all the accused persons. At the stage of charge, petition for discharge was filed by petitioner

of both the cases, however; learned Sub-Divisional Judicial Magistrate, Lakhisarai by the impugned order has rejected the petition for discharge.

Learned counsel for petitioners has assailed the order of the learned court below, primarily, on the ground that the concerned court i.e. court at Lakhisarai was not having any territorial jurisdiction to proceed with the case. To substantiate his submission regarding lack of territorial jurisdiction, he has placed reliance on a judgment reported in **2008 (3) P.L.J.R. (S.C.) 367 (Bhura Ram & Ors. - vs. - The State of Rajasthan)** and submits that order impugned is liable to be set aside, whereas, learned Addl. Public Prosecutor opposing the prayer of the petitioners submits that in the F.I.R. itself, fact disclosed categorically states that it is not a case that entire cause of action arose at a place, as claimed by the petitioners, whereas, part of cause of action arose within the territorial jurisdiction where F.I.R. was lodged and where case is pending.

Besides hearing learned counsel for the parties, I have also perused the material on record. On perusal of the F.I.R. itself, the Court is satisfied that as per allegation, some of the occurrence had taken place within the territorial jurisdiction of Lakhisarai. Besides this, I have also perused the impugned order,

which does not indicate any apparent error warranting interference.

Accordingly, both the petitions stand dismissed.

(Rakesh Kumar, J.)

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