

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION NO.14389 OF 2016

ORDER:

This Criminal Petition, under Section 482 of the Code of the Criminal Procedure, is filed to quash the order dated 12.07.2016 in CrI.MP.No.2083 of 2015 in DVC.No.40 of 2013 passed by the Judicial Magistrate of First Class-cum-Special Mobile Court-cum-XI Metropolitan Magistrate, Cyberabad at L.B.Nagar.

CrI.MP.No.2083 of 2015 is filed to decide the territorial jurisdiction to entertain DVC.No.40 of 2013 at the time of hearing of the case and pass appropriate order raising several contentions. The Court below dismissed the said petition postponing the decision on the territorial jurisdiction since it is a mixed question of fact and law and it can be decided only after adducing evidence.

The said order is challenged in this Criminal Petition on various grounds. But during the hearing, Sri Srinivas Kapatia, learned counsel for the petitioner, confined his argument to the question of territorial jurisdiction while requesting this Court to decide the territorial jurisdiction to entertain the DVC filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005, at the time of deciding DVC.

Even according to the order passed by the learned Magistrate, the decision of territorial jurisdiction was postponed by observing that it is a mixed question of fact and law and unless evidence is adduced, the same cannot be decided but the counsel for the petitioner now requests this Court to decide the issue of territorial jurisdiction while deciding the DVC itself.

Acceding to the request made by Sri Srinivas Kapatia, learned counsel for the petitioner, I deem it appropriate to direct the Magistrate concerned to decide the issue of territorial jurisdiction of the Court at the time of pronouncement of the final order in the DVC.

Accordingly, the Criminal Petition is disposed of at the stage of admission without deciding on any merits based on grounds urged in the petition. Miscellaneous petitions, if any, pending shall stand dismissed.

(M.SATYANARAYANA MURTHY, J)

14th December 2016
RRB

