

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.15837 of 2016

ORDER:

This Criminal Petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C. No.845 of 2015 on the file of the I Additional Chief Metropolitan Magistrate, Visakhapatnam, against the petitioners/A.2 and A.3 in Crime No.26 of 2015 of Women Police Station, Visakhapatnam City, registered for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

2. The main ground urged before this Court is that even if the allegations made in the complaint and the statements recorded by the police during investigation under Section 161(3) Cr.P.C. are taken into consideration, the cause of action is within the limits of Hyderabad, but not at Visakhapatnam and, therefore, sought to quash the said proceedings.

3. Learned counsel for the petitioners, during the course of arguments, drawn the attention of this Court to the statements recorded by the investigating agency under Section 161(3) Cr.P.C. and the learned counsel for respondent No.2 supported the said contention.

4. In view of the rival contentions, while exercising power under Section 482 Cr.P.C., it is difficult to decide as to where the cause of action arose for filing the complaint. Learned counsel for the petitioners placed on record the statements recorded by the police during

investigation and most of the allegations go to show that respondent No.2 was subjected to harassment within the territorial limits of Hyderabad. But, the learned counsel for respondent No.2 drawn the attention of this Court to an allegation that after three months, the matter was referred to elders, by name, Mohan Babu, T.P.Achari, Venkata Rao and Sathi Babu and counseling was given to the husband of respondent No.2 and the petitioners herein and then he agreed to look after respondent No.2 properly. But, it is difficult to decide that such an allegation would give rise to the cause of action for filing the complaint.

5. In view of the above circumstances, I deem it appropriate to issue a direction to the I Additional Chief Metropolitan Magistrate, Visakhapatnam, to decide the territorial jurisdiction in C.C. No.845 of 2015 for the offences punishable under Section 498-A I.P.C. and Sections 3 and 4 of the Dowry Prohibition Act, 1961, and if there is no cause of action to file the complaint at Visakhapatnam, then return the complaint for presentation before the Court having territorial jurisdiction and pass appropriate orders in accordance with law within a period of one month.

6. With the above direction, this Criminal Petition is disposed of. As a sequel thereto, miscellaneous petitions, if any pending in this petition, shall stand closed.

M.SATYANARAYANA MURTHY, J.

Date: 13-12-2016

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