

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.16631 OF 2016

ORDER:

This criminal petition, under Section 482 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), is filed to quash the proceedings in Cr.No.74 of 2015 of Atchampet Police Station, Guntur District, registered against the petitioners and others for the offences punishable under Sections 420, 468 and 471 of Indian Penal Code, 1860 (for short, 'I.P.C.').

The second respondent herein lodged a complaint with the police alleging that certificates in question have been verified at their end and found that no such degrees have been issued/awarded by the University in the relevant years and requested the Superintendent of Police, Guntur District, to register a criminal case and investigate the same.

The only ground urged before this Court is that no offence took place within the territorial limits of Superintendent of Police, Guntur District. Even assuming for a moment that the allegations in the complaint are true, in the absence of territorial jurisdiction, the police at Guntur District is incompetent to investigate into the crime and that apart the complaint is bereft of all details to permit the police, to investigate into and in the absence of such allegations, the police cannot be allowed to proceed further to investigate into the crime against the petitioners and prayed to quash the same.

The first and foremost contention raised by the counsel for the petitioners is that no offence took place within the territorial limits of Guntur District.

If really no offence took place within the territorial limits of Guntur District, it is for the police to take necessary steps to transfer the complaint to competent police station. Hence, the proceedings in Cr.No.74 of 2015 against the petitioners cannot be quashed on the ground of lack of territorial jurisdiction.

The other ground is that the complaint lacks necessary details.

The complaint is only an information to the police to set the criminal law into motion and the complaint need not be an encyclopedia of facts containing minute details. Therefore, when the petitioner approached the court to quash the proceedings at the threshold of investigation, he must show strong circumstances.

However, in **STATE OF ORISSA AND ANR. v. SAROJ KUMAR SAHOO**¹ the Apex Court had an occasion to decide a similar question regarding quashability of proceedings at the threshold before completion of investigation and held that inherent power under Section 482 of Cr.P.C. should not be exercised by the High Court to stifle a legitimate prosecution. The High Court being the highest court of a State should normally refrain from giving a prima facie decision in a case where the entire facts are incomplete and hazy, more so when the evidence has not been collected and produced before the Court and the issues involved, whether factual or legal, are of magnitude and cannot be seen in their true perspective without sufficient material. Of course, no hard and fast rule can be laid down in regard to cases in which the High Court will exercise its

¹ (2005) 13 SCC 540

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extraordinary jurisdiction of quashing the proceeding at any stage while exercising jurisdiction under Section of 482 Cr.P.C., it is not permissible for the Court to act as if it was a trial Court. Even when charge is framed at that stage, the Court has to only prima facie be satisfied about existence of sufficient ground for proceeding against the accused. For that limited purpose, the Court can evaluate material and documents on records but it cannot appreciate evidence. The Court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused etc.

Therefore, by applying the principle laid down in the Judgment referred to supra, I find no ground to quash the proceedings at this stage, however, the Superintendent of Police, Guntur District, is directed to decide competency of territorial jurisdiction of the Police, Atchampet Police Station, to investigate in Cr.No.74 of 2015. If it lacks territorial jurisdiction, transfer the said complaint to appropriate police station having territorial jurisdiction to investigation into the offence.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date: 08.12.2016
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