

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-92-2016 (O&M)

Date of decision : 26.02.2016

Hari Prasad Joshi

..... Petitioner

Vs

State of Punjab & Ors.

..... Respondents

Coram : Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. S.S. Sandhu, Advocate,
for the petitioner.

Mr. Lavinder Sofat, AAG, Punjab.

Ms. Ashima Mor, PP for UT, Chandigarh.

Mr. V.B. Aggarwal, Advocate
for respondent No.5.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Kuldeep Singh, J. (oral)

The present petition has been filed under Section 482 Cr.P.C. seeking direction to respondents No. 2 & 3 i.e. Senior Superintendent of Police, SAS Nagar, Punjab as well as SHO, Police Station Naya Gaon, SAS Nagar, Punjab to register FIR under Sections 302, 364, 120-B read with Section 34 IPC against respondent No. 5 Mohit Verma and other unknown accused and investigate the case.

Heard.

The undisputed facts as claimed during arguments are that on 14.09.2015 Shubham Joshi @ Kanwar Joshi (now deceased) received repeated phone calls from his friend Mohit Verma and

thereafter accompanied him to Delhi. On 14.9.2015 they stated to have left for Delhi at around 2.30 P.M. It also comes out that both of them reached Delhi on the next day around 3:00 A.M. Mohit Verma made a phone call to the father of the deceased, namely, Hari Parsad Joshi -petitioner that his son is unwell. Hari Parsad Joshi requested Mohit Verma to bring him to Chandigarh. Lateron, on 15.9.2015 at 1:00.p.m. the petitioner received a phone call from Police Post GMCH, Sector 32, Chandigarh regarding the receipt of dead body of Shubham Joshi being brought to the hospital. The Chandigarh Police on receiving the intimation visited the hospital and recorded the statement of Pardeep Joshi, on the basis of which Zero FIR dated 17.9.2015 was registered at Police Station Sector 34, Chandigarh, under Section 304 IPC. The copy of the FIR was sent to the Delhi police for information. However, the Delhi police washed their hands saying that they have no jurisdiction. This is, how the controversy has arisen as to which Police Station, has to investigate the FIR ?

Section 178 Cr.P.C., deals with enquiry and trial in case of uncertain jurisdiction which reads as under :-

“178. Place of inquiry or trial. (a) When it is uncertain in which of several local areas an offence was committed, or

(b) where an offence is committed, partly in one local area and partly in another, or

(c) where an offence, is a continuing one, and continues to be committed in more local areas than one, or

(d) where it consists of several acts done in

different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas”

In this case, it is apparent that deceased Shubham Joshi consumed something at Delhi. The reasons are yet to be investigated. He must have probably died on the way from Delhi to GMCH, Sector 32, Chandigarh. In the way, areas fall within the jurisdiction of Haryana, Delhi as well as Punjab Police and then the UT, Chandigarh Police. The deceased started his journey from Naya Gaon in Punjab. In these circumstances and in order to clear the uncertainty over the place where the FIR should be investigated, it is directed that SHO, Police Station Naya Gaon shall investigate into the Zero FIR dated 17.9.2015, registered at Police Station Sector 34, Chandigarh, under Section 304 IPC. The Chandigarh Police is directed to send a copy of the said FIR to the SHO, Police Station Naya Gaon, who shall record the same in the relevant register and on the basis of which he shall register fresh FIR, then investigate the same on the facts and submit the final report before the competent Court.

In view of the above, the petition is allowed.

(KULDIP SINGH)
JUDGE

26.02.2016

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