

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8573 of 2014

Arising Out of PS.Case No. -776 Year- 2007 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN (MOTIHARI)

- =====
1. Reoti Raman , son of late Gauri Shankar Prasad, permanent resident of village- Bahuarwa, P.S.- Majhauria, District- West Champaran and at present residing at 6/3, Harmony Homes, SL-111, Sector-57, Gurgaon, State- Haryana, Pin Code- 122003.
 2. Smt. Saraswati Devi, widow of late Gauri Shankar Prasad, resident of village- Bahuarwa, P.S.- Majhauria, District- West Champaran.
- Petitioner/s

Versus

1. State of Bihar
 2. Madan Prasad Shrivastava son of late Jay Mangal Prasad Permanent resident of village- Rajepur, P.S.- Dhaka, District- East Champaran and at present residing at Mohalla- Beli Sarai Near Pradeep Hotel, P.O- Motihari, P.S.- Motihari Town, District- East Champaran.
 3. Meenakshi Devi, W/o Reoti Raman, D/o Madan Prasad Shrivastava, resident of village- Rajepur, P.S.- Dhaka, District- East Champaran and at present residing at Mohalla- Beli Sarai Near Pradeep Hotel, P.O- Motihari, P.S.- Motihari Town, District- East Champaran
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vishnudeo Narayan, Sr. Advocate
Mr. Manoj Kumar Manoj, Advocate.

For the Opposite Party/s : Mr. Prakash Srivastava, Advocate.
Mrs. Anu Priyadarshi, Advocate.
Mr. Navin Anand, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL JUDGMENT
DATE: 21-07-2017

Heard learned counsel for the parties.

2. The petitioners have filed this quashing petition under Section 482 of Cr.P.C., 1973 challenging order dated 27.03.2012 passed by the Sub Divisional Judicial Magistrate, Sikrahna at Motihari in Complaint Case No. 776 of 2007 whereby he has rejected the petition dated 16.12.2008 filed by the petitioners that the court has no territorial jurisdiction to take



cognizance in the matter against the petitioners.

3. Complaint case in brief is that after marriage, complainant's daughter was brought to Gurgaon (Haryana) where accused persons were residing and tortured there in connection with demand of dowry and ultimately ousted her from matrimonial home as the demand was not fulfilled.

4. Learned counsel appearing on behalf of the petitioners submits that learned S.D.J.M., Sikrahna at Motihari has got no territorial jurisdiction in view of Sections 177 and 178 of Cr.P.C. as no part of occurrence relating to demand of dowry or torture was committed within the jurisdiction of Sikrahana at Motihari whereas in the complaint petition itself, categorically referred the place of occurrence at Gurgaon.

5. Learned counsel for the O.P. No. 2 also fairly concedes on this point.

6. Having considered submissions of both sides and on perusal of complaint petition itself, it is quite obvious that not a part of occurrence was committed within the jurisdiction of Sikrahana at Motihari. Ordinarily, jurisdiction for enquiry and trial of a criminal case lies where an offence is committed or where even a part of occurrence is committed or where offence is a continuing one and it continues to be committed in more local



areas than one. In the present case, allegation relating to offence under Section 498A of the Indian Penal Code is said to have been taken place only within the territorial jurisdiction of Gurgaon, so the present complaint case cannot be enquired or tried by the S.D.J.M., Sikrahana at Motihari.

7. So the impugned order dated 27.03.2012 passed in Complaint Case No. C-776 of 2007 is set aside with liberty to the complainant to file a complaint before the appropriate court having territorial jurisdiction. Accordingly, this petition stands allowed.

(Arun Kumar, J)

Sujit/-

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