

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 691 of 2017**

- Satish Kumar Yadav, age 29 years S/O Shri T.R. Yadav Res. Of Anas Niwas near Rahul Dhaba Mopka P.S. Sarkanda, Tah. & Distt.-Bilaspur (C.G.).

---- Petitioner**Versus**

1. State of Chhattisgarh Through: Distt. Magistrate Korba, Distt.-Korba C.G.
2. Smt. Bhumika Yadav Aged- 27 years, W/O Satish Kumar Yadav D/o Ram Ashraya Yadav, R/o Qr. No. E-158, Ketu Vihar, Awas Jamanipali C.S.E.B. Colony Korba Distt.-Korba C.G.
3. Station House Officer, Police Station Darri Dist.- Korba (C.G.)

---- Respondents

For the Petitioner	: Shri Rajkumar Gupta, Advocate
For Respondents No.2	: Shri Virendra Verma, Advocate.
For Respondent/ State	: Shri Lav Sharma, P.L./Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.08.2017**

(1) Heard.

(2) This petition has been brought under Section 482 of the Code of Criminal Procedure (henceforth "Cr.P.C") with a prayer to quash the FIR registered against the petitioner in Crime No. 481/2017 for the offence under Section 498-A registered at Police Station- Darri, Distt.- Korba.

(3) It is submitted by counsel for the petitioner that Complainant- Bhumika Yadav has lodged FIR against the petitioner in Police Station- Darri alleging in it that her marriage was performed with the petitioner on 17.10.2016. Soon after marriage, the petitioner started to pressurize the complainant by

demanding to transfer the house of the father of the complainant in his name, car and rupees of 5 lakhs by way of dowry. Complainant was subjected to torture by the petitioner for the purpose of fulfilling all the demands. On complaint being made to the Police, an effort of compromise was made by Family Counselling Centre but it failed. Thereafter, Complainant left her matrimonial home and now she is residing with her parents at Korba and the written complaint was filed before the Superintendent of Police, Korba, on the basis of which, FIR has been lodged against the petitioner.

(4) As per the contents of the FIR and the statement given by the complainant all the incidents of demand, torture and cruelty with the complainant have been taken place in Bilaspur. There is not a single statement on record on the basis of which it can be said that the incident of cruelty towards complainant has taken place at Korba. Hence, in this situation the Police at Korba had no jurisdiction to entertain, investigate and register FIR against the petitioner. Reliance has been made on the judgment passed by the **M. P. High Court in the case of Gurmeet Singh Vs. State of M.P.** reported in **2006 CRI. L. J. 1390**, in the judgment of Supreme Court in **Preeti Gupta & Anr. Vs. State of Jharkhand** reported in **(2010) 7 SCC 667** and in the Judgment of this Court in **Anil Kumar Saxena & Ors. Vs. State of C.G.** reported in **2006 (3) Crimes 487** has laid down in these judgments, Section 178-C of Cr.P.C. provides that "Where an offence is a continuing one, and continues to be committed in more local areas than one, can be tried in any of the Courts having jurisdiction over any of such local areas." Hence, it is prayed that this petition be allowed.

(5) Counsel for the State has opposed the petition *whereas* in this respect Mr. Virendra Verma, counsel for respondent No. 2-complainant submitted that as per the allegation made in the FIR against the petitioner, it is not a case for quashment of FIR, although the point of jurisdiction of investigation and trial in the case concerned has been conceded by counsel for the respondent and submitted that on the point of jurisdiction directions may be issued by this Court for transfer of the case under investigation to the Police

at Bilaspur. In reply counsel for the petitioner submits that he does not want to press on the relief claimed for quashment of FIR and directions may be issued for transfer of the case under investigation against the petitioner to Police at Bilaspur.

(6) Heard counsel for both the parties and perused all the documents on records.

(7) Considering all the submissions made in the complaint and the documents on records, the allegations made in the FIR, and the other witnesses, it appears that incident has taken place in the Bilaspur jurisdiction, hence, looking to the prayer made by counsel for the petitioner as well as respondent No. 2, this case can be disposed off with some directions.

(8) Consequently, this petition is allowed. It is directed that the FIR No.48/17 registered in Police Station- Darri, Distt.- Korba for the offence punishable under Section 498-A of the Cr.P.C. be transferred to the concerned Police-Station at Bilaspur for investigation and further proceedings in accordance with law.

(9) Accordingly, this petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge