

**THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**

**Crl.P.No.7111 of 2017**

**ORDER**

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.454 of 2015, pending on the file of Additional Judicial Magistrate of First Class, Peddapuram, East Godavari District, registered for the offences punishable under Section 498-A, 323 read with 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, against the petitioner.

The petitioner/party-in-person is A1 and the 2<sup>nd</sup> respondent is the *de facto* complainant. The 2<sup>nd</sup> respondent lodged report with the police alleging that her marriage with the petitioner, who is software engineer at Hyderabad was performed on 18.12.2014 in Blue-Patel Function Hall, Nizampeta, Kukatpalli, Hyderabad and after marriage, she lived happily with A1 in Flat No.303, Fortune Towers, Shubothaya Colony, Chandanagar, Hyderabad. Since the date of marriage, the petitioner harassed the 2<sup>nd</sup> respondent both physically and mentally to meet the illegal demand for payment of dowry. The mother of the petitioner extended her support to him to subject her to harassment.

While so, on 09.04.2015 evening there was a dispute between the petitioner and the 2<sup>nd</sup> respondent and in the said dispute, the petitioner beat the 2<sup>nd</sup> respondent with hands indiscriminately and caused injuries on her body. The 2<sup>nd</sup> respondent informed the same to her parents on 14.04.2015 and immediately they visited Hyderabad and shifted her to her native place Rajapudi on

15.04.2015 night the 2<sup>nd</sup> respondent lodged report with the police to take action against the petitioner.

On the strength of the written report lodged by the 2<sup>nd</sup> respondent before Jaggampet Police Station Crime No.57 of 2015 was registered for the above offences and issued FIR.

During investigation LWs1 to 9 were examined and recorded their statements under Section 161(3) Cr.P.C. and after completion of entire investigation, it is found that there is material to proceed against the petitioner and filed charge sheet before the Magistrate and the same was taken on file against the petitioner for the above offences.

When the trial Court issued summons to the petitioner, he approached this Court for appropriate relief to quash the proceedings on the ground of lack of territorial jurisdiction to the Court at Peddapuram, East Godavari District since no part of cause of action arose within the jurisdictional limits of Judicial Magistrate of First Class, Peddapuram, East Godavari. This Court, by order dated 05.09.2017 disposed of the criminal petition and the same is carried in Criminal Appeal No.534 of 2018 before the Supreme Court and arising out of the Special Leave Petition (Criminal) No.7993 of 2017, the Supreme Court set aside the order passed by this Court and directed to decide the issue raised by the petitioner in the criminal petition and further directed the trial Court not to proceed in the matter till the High Court decides the criminal petition. Thus, the matter again reached this Court for decision in accordance with law.

The main ground raised by the petitioner is that no part of cause of action arose within the territorial jurisdictional limits of

Judicial Magistrate of First Class, Peddapuram and four days prior to lodging the alleged report, the 2<sup>nd</sup> respondent with the petitioner at the above address and lead conjugal life with the petitioner. Therefore, the Court at Peddapuram lacks territorial jurisdiction and that the proceedings against the petitioner cannot be proceeded and prayed to quash the proceedings on this ground alone. The petitioner also raised several contentions but the core issue is territorial jurisdiction of the Court.

Notice on the 2<sup>nd</sup> respondent was served, proof of service is filed, but none appeared.

The petitioner/party-in-person submitted written arguments running into 14 pages along with certified copy of wound certificate issued by the Andhra Pradesh Vaidya Vidhana Parishad in support of his contention.

During hearing, the petitioner reiterated the grounds urged in the main petition.

As seen from the contents of charge sheet that on 09.04.2015 during evening hours a dispute arise between the petitioner and the 2<sup>nd</sup> respondent and in the said incident, the petitioner allegedly beat the 2<sup>nd</sup> respondent with hands indiscriminately and caused bleeding injuries on the body. Immediately, the 2<sup>nd</sup> respondent informed to her parents on 14.04.2015, but in turn her parents came to Hyderabad on the same day and took her to Rajapudi and that on 15.04.2015 the 2<sup>nd</sup> respondent lodged report during night of the same day. Thus, the alleged incident of beating the 2<sup>nd</sup> respondent by the petitioner on 09.04.2015 took place within the jurisdictional limits of Metropolitan Magistrate, Kukatpally, Ranga Reddy District,

but the complaint was lodged only at Jaggampet Police Station after she reached Rajapudi, East Godavari District, at parents' house. For one reason or the other, the police registered crime, took up investigation and filed charge sheet. During investigation, the police examined LW.1 and recorded her statement. Even according to the allegations made in the statement recorded by the police under Section 161 Cr.P.C., the incident of causing injuries on the body in the quarrel took place within the jurisdictional limits of the Metropolitan Magistrate, Kukatpally, Ranga Reddy District on 09.04.2015. After 09.04.2015, no incident of harassment or beating was reported to the police. The entire statement recorded by the police during investigation discloses that the incident took place only at Chandanagar, which is within the territorial jurisdictional limits of the Metropolitan Magistrate, Kukatpally, Ranga Reddy District. Therefore, the police at Jaggampet or the Court of Judicial Magistrate of First Class at Peddapuram, East Godavari District lacks territorial jurisdiction to try the case and when the Court has no jurisdiction to try such offence and when the Court within the jurisdictional limits of Chandanagar, Ranga Reddy District, Telangana State, the Court at Peddapuram cannot try the offence. Similar issue came up before the Apex Court in **Y.Abraham Ajith and others v Inspector of Police, Chennai and another**<sup>1</sup> and in **Bhura Ram and others v State of Rajasthan and another**<sup>2</sup> wherein it was held that unless any part of cause of action arises within the jurisdictional limits of the Court having jurisdiction to try such offence, the Court cannot entertain such complaint and

---

<sup>1</sup> (2004) 8 SCC 100

<sup>2</sup>

proceed to try the case for any offence. The facts of the judgment in **Y.Abraham's** case referred supra are identical to the present facts of the case. Even otherwise, Section 177 Cr.P.C. deals with Ordinary place of inquiry and trial and that every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.

Taking into consideration of Section 177 Cr.P.C., the offence in the present case took place within the jurisdictional limits of Kukatpally, Ranga Reddy District, but where as the case is pending before the Judicial Magistrate of First Class, Peddapuram, East Godavari District, which lacks territorial jurisdiction and incompetent to try the case and on this ground alone, the proceedings are liable to be quashed.

Accordingly, the criminal petition is allowed. The proceedings in C.C.No.454 of 2015 pending on the file of Additional Judicial First Class Magistrate, Peddapuram, East Godavari District, Andhra Pradesh are hereby quashed. This order will not preclude the 2<sup>nd</sup> respondent to take appropriate action in accordance with law before having jurisdiction to try the offence.

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

---

**M. SATYANARAYANA MURTHY, J**

20.07.2018  
kvrm