

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No.11631 OF 2017

ORDER:

This petition, under Section 482 of Cr.P.C., is filed by the petitioners-accused Nos.1 to 3 to quash the proceedings in Crime No.152 of 2017 of Station House Officer, Vuyyuru Town Police Station, Vijayawada City, for the offences punishable under Sections 420, 466, 467, 471, 474 and 506 read with 34 I.P.C., which was registered on the basis of the complaint lodged by the second respondent – Madasu Om Prasad.

2. Learned counsel for the petitioners challenged the proceedings in the above crime on two grounds. The first ground is that the Station House Officer, Vuyyuru Town Police Station, lacks territorial jurisdiction and the second ground is that the documents allegedly executed with the Sub-Registrar's Officer, Visakhapatnam, are the subject matters of suits i.e., O.S.No.83 of 2015 pending on the file of the X Additional District and Sessions Judge, Visakhapatnam at Anakapalli, O.S.No.16 of 2016 and O.S.No.4 of 2016 pending on the file of the X Additional District Judge at Anakapalli. Therefore, the investigation against the petitioners for the above offences cannot be proceeded and requested this Court to quash the proceedings.

3. The learned Public Prosecutor while contending that on the ground of the Station House Officer, Vuyyuru Town Police Station, lacks territorial jurisdiction, this Court cannot quash the proceedings and would draw the attention of this Court to Section 156(2) Cr.P.C. He further contended that in case the Station

House Officer, Vuyyuru Town Police Station, lacks territorial jurisdiction, he can transfer the F.I.R. to the concerned Station House Officer having territorial jurisdiction, but on that ground it cannot be quashed.

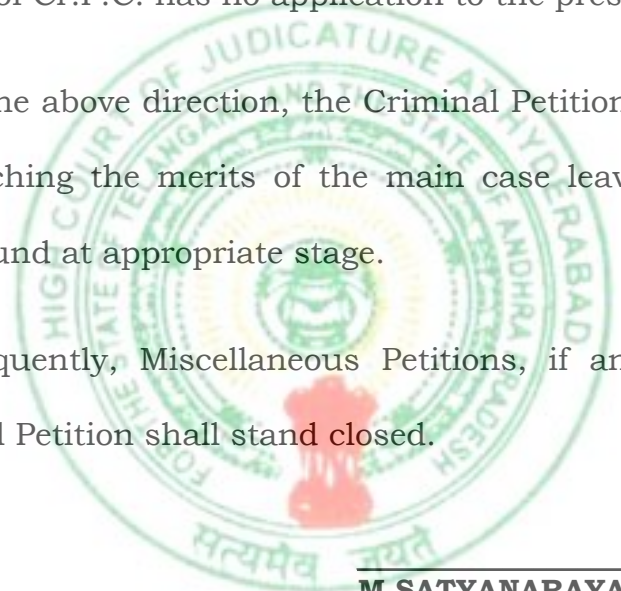
4. As per Section 156(1) of Cr.P.C., any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII. Section 156(2) Cr.P.C. further states that no proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. When the Station House Officer in charge of a police station lacks territorial jurisdiction, he cannot investigate into the matter. When the Station House Officer finds that it lacks territorial jurisdiction, it is his duty to refer the F.I.R. to the concerned Station House Officer having territorial jurisdiction, but he cannot investigate into the matter and file the charge sheet. Thus, when the scene of offence is not within the jurisdiction of investigating agency, the investigating agency itself refrain from holding a proper and complete investigation merely drawn at a conclusion that the offence had been committed beyond the territorial jurisdiction, the power vested in investigating agency does not restrict to the jurisdictional agency to investigate into the complaint even he did not got territorial jurisdiction to do so. As contended by the learned Public Prosecutor, if the police had no jurisdiction to

investigate into any offence, the police shall refer the F.I.R. to the concerned police station having territorial jurisdiction.

5. Therefore, the Station House Officer, Vuyyuru Town Police Station, is directed to enquire into preliminarily whether any of the offences allegedly committed by the petitioners are within the territorial limits of the Vuyyuru Town Police Station or not? if not, take appropriate steps for transfer in accordance with law, but they cannot investigate into the matter without territorial jurisdiction though it is cognizable offence as Sub-section (2) of Section 156 of Cr.P.C. has no application to the present case.

6. With the above direction, the Criminal Petition is disposed of without touching the merits of the main case leaving it open to urge the ground at appropriate stage.

7. Consequently, Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.



M.SATYANARAYANA MURTHY, J

Date: 29.11.2017

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