

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CRIMINAL PETITION No. 12617 of 2017

ORDER:

This petition is filed under Section 482 of the Code of Criminal Procedure (for short, 'Cr.P.C.') to quash the proceedings in C.C.No. 800 of 2017 on the file of the Court of VII Special Magistrate, Miyapur, Cyberabad.

2. During hearing, learned counsel for the petitioner has drawn the attention of this Court to the order dated 10-11-2014 passed by it in criminal petition No. 13224 of 2014, judgment of the Apex Court in **Krishna Kumar Variar Vs. Share Shoppe**¹ and the judgment of Delhi High Court in **Shankara Pillai Krishna Kumar Vs. State NCT of Delhi and others** (Crl.M.C.No. 4164 of 2012) and contended that when at the time of examination under Section 251 Cr.P.C., if any objection is raised as to jurisdiction by filing application, the Court has to decide the question of jurisdiction by recording evidence, if necessary, before proceeding further with the case. In **Shankara Pillai Krishna Kumar (supra)**, Delhi High Court permitted the petitioner therein to file appropriate applications before the Magistrate under Section 251 Cr.P.C and decide the jurisdiction and other aspects whether to proceed against the petitioner or not based on the allegations made in the private complaint and the material produced before it.

3. Applying the same principle to the present facts of the case, the petitioner is given liberty to file appropriate application before the Court below under Section 251 Cr.P.C. On filing such application, the Court below is directed to decide the same in accordance with law.

¹ 2010 Law Suit (SC) 386

4. The criminal petition is accordingly disposed of. Pending miscellaneous petitions, if any, in this criminal petition shall stand closed in consequence.

M. SATYANARAYANA MURTHY, J.

21.12.2017
JSK

