

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 8 of 2018**

- Amit Kumar Manghnani S/o Shri Prakash Chand Manghnani, Aged About 27 Years, R/o Sindhi Colony Ward No. 05, Umariya District Umariya (Madhya Pradesh)

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Station House Officer, Police Station City Kotwali, Raipur, District - Raipur (C.G.)
2. Superintendent of Police, Raipur, District - Raipur (C.G.)
3. Station House Officer, Town Police Station, Sundargarh , District Sundargarh (Orissa)
4. Superintendent of Police, Sundargarh, District - Sundargarh (Orissa)
5. Raj Kumar Jasuja S/o Late Ramdas Jasusja, Aged About 52 Years, R/o H. No. 108, Rajbati, Sundargarh, District Sundargarh (Orissa)
6. Surash Kumar Jasuja , S/o Late Ramdas Jasusja, Aged About 48 Years, R/o H. No. 108, Rajbati, Sundargarh, District Sundargarh (Orissa)
7. Geeta Jasuja W/o Raj Kumar Jasuja Aged About 49 Years, R/o H. No. 108, Rajbati, Sundargarh, District Sundargarh (Orissa)
8. Rahul Jasuja @ Sonu S/o Raj Kumar Jasuja Aged About 28 Years, R/o H. No. 108, Rajbati, Sundargarh, District Sundargarh (Orissa)
9. Municipal Corporation, through the Commissioner Raipur, District : Raipur (C.G.)

---- Respondents

For Petitioner	:	Shri Anish Tiwari and Atul Kumar Kesharwani, Advocate
For State/Respondents No.1 to 4 :		Shri U.N.S. Deo, Government Advocate
For Corporation Respondent No.9:		Shri H. B. Agrawal, Senior Advocate with Smt. Prabha Sharma, Advocate

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****23.02.2018**

1. This application is filed seeking issuance of writ in the nature of habeas corpus and also seeking a direction to the Police to conduct proper and independent enquiry to the facts of the present case.

2. Petitioner's plea is that he married Pooja Manghnani (Pooja Jasuja) on 04.12.2017 in a ceremonial marriage in the Arya Samaj Mandir, Raipur and such marriage was also included in the Register of Marriages maintained by the Municipal Corporation, Raipur. His plea is that thereafter the said person was taken away by her relatives to Odisha and now that female has instituted an FIR charging the Petitioner with offences punishable under different counts under the Indian Penal Code. He also submits that she has instituted a suit in a Court in Odisha seeking a declaration that there is no valid marriage as between the Petitioner and her.
3. While the Petitioner continues to assert that the lodging of the FIR and the institution of the aforementioned civil suit are result of instigation by the parents and other relatives of the said female, we are not inclined to take cognizance of this matter in writ jurisdiction. For one thing, the jurisdiction for issuance of a writ in the nature of habeas corpus or for any direction to have an appropriate investigation conducted by the Police, cannot be had in the fact situation in hand. That position notwithstanding, defences available to the Petitioner in the civil suit in the Odisha Court are not to be considered by us to give him any relief in the form of a caveat against that litigation. We also cannot, in this jurisdiction under Article 226 of the Constitution, deal with this application as one for anticipatory bail against arrest following the lodgment of the FIR.
4. The learned counsel for the Petitioner argued that the entire chain of events which form the allegations against the Petitioner could be seen to be only within the jurisdiction of the State of Chhattisgarh and no element thereof could be referable to the territorial jurisdiction of Odisha Police and hence, lodgment of the FIR in a Police Station in Odisha and proceedings in that State would be without territorial jurisdiction. Law is well settled that insofar as territorial jurisdictions of different State Police are concerned, the matter would stand regulated by the provisions of Code of Criminal Procedure. If a party against

whom investigation is initiated or prosecution is proceeded with, in furtherance of a criminal case, those are matters to be raised before the jurisdictional Court before which such criminal case would then be pending. It is not within the jurisdiction of this Court, through this application under Article 226 of the Constitution, to sit in assessment of any mixed question of law and facts as to whether the chain of events resulting in crystallisation of a cause of action for a criminal case has arisen within the limits of the Chhattisgarh State or within the limits of the Odisha State. Those are issues to be left to the domain of the criminal courts which are to deal with those matters.

5. Hence, without prejudice to all contentions of the Petitioner in appropriate jurisdictions, this writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge