

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.9386 OF 2011

ORDER:

The present Criminal Petition is filed, under Section 482 of the Code of Criminal Procedure, 1973, by the petitioners - accused seeking to quash the proceedings against them in Calendar Case No.238 of 2010, pending on the file of the learned Additional Judicial Magistrate of First Class, Narasapur, registered for the offence punishable under Section 498-A read with 34 of the Indian Penal Code, 1860.

2. Heard learned counsel for the petitioners, learned Assistant Public Prosecutor for the State of Telangana.

3. Learned counsel for the petitioners rests his argument only on one aspect that the Police Station at Narasapur does not have jurisdiction to register the case, and even the Court at Narasapur does not have jurisdiction to try the case as part of cause of action does not arise within the jurisdiction of Narasapur. He also submits that even according to the complaint, marriage took place in Tadepalligudem, and all the alleged incidents of harassment took place at Tanuku, where the couple resided. The complaint also shows that they have started their marital life in Tanuku. The learned counsel for the petitioners relies on two judgments; one in **Manish Ratan v. State of M.P.**¹, wherein it was held by the Hon'ble Supreme Court that considering the fact that the Court and the Police Station which registered the crime did not have

¹. (2007) 1 SCC 262

jurisdiction, transferred the case to the concerned police; and other in **Y. Abraham Ajith v. Inspector of Police, Chennai**², wherein the Apex Court directed the complaint be returned to respondent No.2 for being filed before the appropriate Court if she so chooses. But, however, in **Manish Ratan**¹, the Apex court has ordered for transfer of the case to the concerned police station.

4. Hence, in view of the principle laid down in **Manish Ratan**¹, the Magistrate is directed to return the charge sheet and other material to Station House Officer, Mogalthur Police Station, so as to enable the police to transfer the same to the Station House Officer, Tanuku Police Station, for investigation and appropriate action.

5. With the above direction, the present Criminal Petition is disposed.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition stand closed.

SMT. T. RAJANI, J

October 29, 2018
Mgr

². (2004) 8 SCC 100