

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9720 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') by the petitioners - accused Nos.1 and 2 to quash the proceedings in Crime/F.I.R.No.180 of 2018, dated 19.06.2018, pending on the file of Kothapet Police Station, Guntur Urban, Andhra Pradesh State, registered for the offences punishable under Sections 420 and 494 read with 34 of the Indian Penal Code, 1860.

2. The petitioners are accused Nos.1 and 2 in the aforesaid Crime and respondent No.2 is the *de facto* complainant, who lodged a Telugu written complaint with the police on 19.06.2018, alleging that her marriage with petitioner No.1 herein is an inter-caste marriage and petitioner No.2 is her mother-in-law, that when she gave birth to a male child at her parents' house, her husband did not come to see the child, that as he got a doubt about the conduct of her husband, she went to her in-laws house where she found her husband with one lady, by name Akula Sravanthi, that on her enquiry, she came to know that her husband married her in the year 2010 itself, that concealing the said fact, petitioner No.1 married her and even her husband and her mother-in-law are not allowing her to enter into the house and, therefore she requested the police to take necessary action against them.

3. The main contention raised in the present Criminal Petition is that the police at Kothapet have no jurisdiction to investigate into the aforesaid offences as no part of offence was committed within the jurisdictional limits of Kothapet Police Station and, on this ground alone, the petitioners sought to quash the proceedings against them in the aforesaid Crime.

4. During hearing, the learned counsel for the petitioners while reiterating the contentions, placed reliance on the judgment of the Hon'ble Supreme Court in **Bhura Ram v. State of Rajasthan**¹ and on the strength of the principle laid down in the above judgment, the learned counsel for the petitioners requested to quash the proceedings against the petitioners at the crime stage.

5. The learned Public Prosecutor for the State of Andhra Pradesh opposed the contention on the ground that if the Station House Officer lacks jurisdiction, he may transfer the FIR to the competent police station to investigate into the crime on the point of jurisdiction, but on that ground, Court cannot quash the proceedings.

6. As seen from the FIR, respondent No.2, who is resident of Kothapet, made certain allegations to constitute the offences punishable under Sections 420 and 494 read with 34 IPC. On the basis of the complaint, the aforesaid Crime was registered by the Kothapet Police against the petitioners herein for the aforesaid offences. But, it is the contention of the learned counsel for the petitioners that no part of

¹. AIR 2008 SC 2666

offence was committed within the jurisdictional limits of Kothapet Police Station, and according to the decision he relied on viz., **Bhura Ram**¹, when the complaint is filed in a Court having no jurisdiction, Court cannot try the case for any of the offences, the Apex Court relied on its earlier judgment in **Y. Abraham Ajith v. Inspector of Police, Chennai**², wherein it was held that cause of action having arisen within the jurisdiction of the Court where the offence was committed, could not be tried by the Court where no part of offence was committed, the Apex Court acquitted the accused. But, the same principle is reiterated in **Bhura Ram**¹ also relied on by the learned counsel for the petitioners.

7. The principle laid down in the above decision is not in quarrel, but the petitioners questioned the proceedings in Crime No.180 of 2018, and the investigation is not yet commenced as per the record. When no part of cause of action arose within the jurisdictional limits of Kothapet Police Station, it is his duty to transfer the FIR to the competent police station to investigate into the crime on the point of jurisdiction, but on the ground that Court lacks territorial jurisdiction, the proceedings cannot be quashed. Therefore, the Station House Officer, Kothapet Police Station, Guntur Urban, is directed to verify whether any part of cause of action arose within the jurisdictional limits of Kothapet Police Station. If not, the Station House Officer, Kothapet Police Station is directed to transfer the aforesaid Crime to the competent police station having territorial jurisdiction to investigate into the aforesaid offences.

². (2004) 8 SCC 100

8. With the above direction, the present Criminal Petition is disposed of at the stage of admission itself.

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

JUSTICE M. SATYANARAYANA MURTHY

September 12, 2018
Mgr

