

HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Crl.P. No.10756 OF 2018

ORDER:

This petition is filed under Section 482 Cr.P.C. to quash the proceedings in C.C.No.169 of 2018 pending on the file of Additional Judicial Magistrate of First Class, Gajwel, registered for the offences punishable under Sections 498-A and 494 IPC and Sections 3 and 4 of the Dowry Prohibition Act, on the ground that the allegations made in the written report lodged with the police are false and lodging report with the Gajwel Police is a serious irregularity since no part of incident occurred within the territorial jurisdictional limits of Gajwel Police Station.

During hearing learned counsel for the petitioners reiterated the contentions raised in the petition and placed reliance of the Apex Court in **Bhura Ram and others v State of Rajasthan**¹ and this Court in **Mothe Rammolian Rao and others v State of Andhra Pradesh and others**² with regard to the lack of jurisdiction to the police, who registered the crime.

Learned Public Prosecutor supported the case of the 2nd respondent.

The first ground urged before this Court is that the written report lodged with the police is baseless and this Court cannot record such finding while exercising power under Section 482 Cr.P.C. since the jurisdiction of this Court is limited and such power can be exercised to implement the orders passed under the Code to prevent the abuse of process of the Court or to secure the ends of justice. But the Court is not expected to record any finding that the allegations in the complaint are false, in view of the law declared by the Apex Court in **Mrs Dhanalakshmi vs. R. Prasanna**

¹ AIR 2008 SC 2666

² 2008(2) ALD (Crl)368 (AP)

Kumar & Others³ and Umesh Kumar v. State of Andhra Pradesh and another⁴. Therefore, it is difficult to record such finding at this stage.

The other ground raised before this Court is that no part of incident took place within the jurisdictional limits of Gajwel Police Station. If no part of incident occurred within the territorial jurisdiction of Gajwel Police Station, the police may transfer FIR to the police station having jurisdiction to investigate into the offence, but on that ground, the proceedings against the petitioners cannot be quashed. At this stage, it is difficult to record such finding and that the trial Court alone is competent to enquire into and if the trial Court found on enquiry that the Court lacks territorial jurisdiction to try the case, the Court may pass appropriate orders.

In view of the facts and circumstances of the case, the criminal petition is disposed of directing the Additional Judicial Magistrate of First Class, Gajwel to decide the territorial jurisdiction to try the offence, which is subject matter of C.C.No.169 of 2018 and pass appropriate orders following the principles laid down in **Bhura Ram and others's** case and **Mothe Rammolian Rao's case** referred supra.

Pending miscellaneous petitions in the petition, if any, shall stand closed.

M.SATYANARAYANA MURTHY,J

10.10.2018
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³ AIR 1990 SC 494

⁴ 2013 (10) SCC 591