

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.10848 OF 2018

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code'), is filed by the petitioners - accused Nos.1 to 3, to quash the proceedings against them in Crime/FIR No.402 of 2018, dated 25.07.2018, of Women Police Station, D.D., Hyderabad, registered for the offence punishable under Section 498-A of the Indian Penal Code, 1860 (for short 'IPC').

2. The petitioners herein are arraigned as accused Nos.1 to 3 in the aforesaid Crime and respondent No.2 is the *de facto* complainant.

3. The *de facto* complainant lodged English typed report with the police alleging that;

“ Her marriage with accused No.1 was performed on 01.12.1997 and they led marital life for five years after the marriage and blessed with a daughter and later the petitioners started demanding her for payment of additional dowry, and for her failure to meet their illegal demand, the petitioners subjected her to cruelty and, thus, requested to take necessary action against the petitioners.”

4. On the strength of the complaint, the police registered the aforesaid crime and issued First Information Report.

5. At this stage, the petitioners herein, who are arraigned as accused Nos.1 to 3, approached this Court by filing the present Criminal

Petition under Section 482 of the Code to quash the proceedings in the aforesaid Crime, on the prime ground that no part of offence took place within the jurisdictional limits of Women Police Station, D.D., Hyderabad, and requested to quash the proceedings.

6. During hearing, learned counsel for the petitioners while reiterating the contentions, placed reliance on one of the judgments of the Hon'ble Supreme Court in **Bhura Ram & others v. State of Rajasthan & Another**¹, another the judgment of this Court in **Mothe Rammolian Rao and others v. State of Andhra Pradesh and others**² in support of his contention and requested this Court to quash the proceedings against the petitioners. Whereas, learned Public Prosecutor for the State of Telangana opposed the petition on the ground that for any reason if the Investigating Agency finds that they lack territorial jurisdiction, the course available to them is to transfer the FIR to the competent police station and, as such, the complaint cannot be quashed.

7. No doubt, the crime is registered by Women Police Station, D.D., Hyderabad, for the offence punishable under Section 498-A IPC against the petitioners and it is at the stage of crime, investigation is not yet commenced. Even assuming for a moment that what the petitioners pleaded is true, the course open to the police is to transfer the FIR to the competent police station having territorial jurisdiction over the area where whole or part of incident took place. But, on the ground of lack of territorial jurisdiction to the police, the proceedings cannot be

¹. AIR 2008 SC 2666

². 2008 (2) ALD (Crl.) 368 (AP)

quashed. The learned counsel for the petitioners relied on the decisions in **Bhura Ram**¹ and **Mothe Rammolian Rao**². In both the cases, the proceedings are pending at the stage of Calendar Case after completion of investigation, but in the present case, it is at the crime stage and, therefore, the principles laid down in the aforesaid decisions cannot be applied. However, the police are requested to verify as to whether whole or part of incident took place within the territorial jurisdiction of Women Police Station, D.D., Hyderabad, and if the Investigating Agency concludes that no part of incident took place within their jurisdiction, the course open to them is to transfer the FIR to the competent police station having jurisdiction where whole or part of incident took place. But, on that ground the proceedings cannot be quashed. Hence, I find no ground to quash the proceedings in the aforesaid crime.

8. Accordingly, the present Criminal Petition is disposed of at the stage of admission itself. However, the Station House Officer, Women Police Station, D.D., Hyderabad is directed to verify whether any part of incident took place within its territorial jurisdictional limits, if not, transfer the FIR to the Station House Officer having territorial jurisdiction over the area where whole or part of incident took place.

As a sequel, Miscellaneous Petitions, if any, pending in the present Criminal Petition, stand closed.

M. SATYANARAYANA MURTHY, J

October 11, 2018

Mgr