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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2931/2017

SARVESH CHANDRA TRIVEDI & ORS Petitioner

Represented by: Mr. Vishal Batra, Adv.

versus

STATE OF MAHARASTRA & ORS

..... Respondent

Represented by: Mr. D.N. Goburdhun, Adv. for
R-1/State of Maharashtra.
Mr. Vinod Diwakar, CGSC for
R-5/UOI.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

18.01.2018

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1. By this petition the petitioners seek the following prayers:

- “a) Allow the present petition and quash the L.O.C. dated 26.12.2016 against petitioner No.3 and charge sheet dated 26.04.2017 against the petitioners in FIR No.17/2016, PS Park Site, Mumbai under Section 498A, 504, 323, 341, 420, 406, 377, 34 IPC.*
- b) Pass appropriate writ or directions to respondent No.5 to address the said deficiencies in the Code of Criminal Procedure as highlighted in the present petition.*
- c) Frame appropriate guidelines in the interim till the laws are revised to address the said deficiencies in the Code of Criminal Procedure.*
- d) Pass any such other and further order (s) or direction (s) as this Hon'ble Court deems fit and proper in the facts & circumstances of the case.”*

2. Learned counsel for the petitioners state that while the investigation of

the present case was going on, the investigating officer demanded bribe from the petitioners which calls were received in Delhi therefore since part of cause of action has arisen in Delhi and the fundamental rights of the petitioners have been violated in Delhi, this Court has territorial jurisdiction to entertain the petition. Reliance in this regard is placed on the decisions in Navinchandra N. Majithia Vs. State of Maharashtra (2000) 7 SCC 640 and Om Prakash Srivastava Vs. Union of India & Anr. (2006) 6 SCC 207.

3. Admittedly the FIR in question which the petitioner seeks quashing was registered in Mumbai and the charge-sheet has been filed before the Court of competent jurisdiction at Mumbai. On a specific query put to the learned counsel for the petitioner that part of cause of action being attributable to the territorial jurisdiction at Delhi being receipt of a call for demand of bribe by the investigating officer, however there was no prayer in respect of the registration of FIR or action against the said erring Police officer on that count, learned counsel specifically states that for this grievance the petitioner is pursuing a separate remedy.

4. As noted above, the reliefs sought in the present petition are inter-alia quashing of a charge-sheet pursuant to FIR No.17/2016 registered at PS Park Site, Mumbai which is stated to be a malafide, full of deficiencies, on which cognizance has been taken by a Court of competent jurisdiction at Mumbai. Since neither the FIR was registered in Delhi, nor cognizance on the chargesheet so filed has been taken by a Court in Delhi, this Court will have no jurisdiction to entertain the present writ petition merely on the count that a call for demand of bribe was made in Delhi as there is no payer on this count in the writ petition.

5. Petition is dismissed.

MUKTA GUPTA, J.

JANUARY 18, 2018
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