

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**CRM-M-34659-2018 (O&M)
Date of Decision: 21.2.2019**

Sunrise University

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. V.K. Jindal, Sr. Advocate with
Ms. Janya Sirohi, Advoate and
Mr. Ajay Kumar Gupta, Advoate,
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

Mr. Jagjit Singh Gill, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.

This is a petition under Section 482 of Code of Criminal Procedure filed by Sun Rise University (in short, "University") through its Administrative Officer-cum-authorised signatory for quashing of FIR No.0183 dated 10.7.2018 registered under Sections 120-B, 406, 420 of Indian Penal Code at Police Station Adampur, District Hisar.

FIR has been registered on the statement of Suresh Chander of Boga Mandi, Police Station Adampur, District Hisar, who got information from his relatives and some other persons that the University

is providing educational degrees for 3/4 years degree-courses to the students merely on extorting a sum of ₹ 25,000 to ₹ 30,000/- per student. It is alleged that this university was doing wrongful act in many States through and its agents who were roaming everywhere.

On registration of the FIR, investigating agency swung into action. Statement of one Deepika Rani daughter of Suresh Kumar has also been recorded who claims to be a student of the University and also she was given the degree on receipt of specific amount. The information was also sought from the University by issuing a letter under Section 160 of the Code of Criminal Procedure. However, the University vide letter dated 1.11.2018 denied if Deepika Rani daughter of Suresh Kumar or one Rajbala were enrolled as students by the University, rather it has been submitted that impugned enrollment No. TPR21111CO009825 was in fact issued to one Rajesh Kumar son of Gopal Singh in the Department of Commerce & Arts.

This Court has heard the learned counsel for the parties and also gone through the material available on record.

It appears that somebody had issued enrollment/registration to said Deepika Rani. The moot question which arises for consideration is as to whether it was a fake or genuine registration? This question shall be considered at the time of adducing the evidence by both the parties because the investigation is at the preliminary stage.

However, it has been argued on behalf of the State that the malpractices are going on with regard to the affairs of the University.

Whether the same have been done by the officials of the University or some outsider miscreants, it shall also be considered after completion of the investigation.

So far as the prayer with regard to quashing of the FIR is concerned, this Court is guided by the parameters laid down by the Hon'ble Supreme Court in **State of Haryana and others v. Ch. Bhajan Lal and Ors.**, 1992 AIR (SC) 604 where the following observations have been made :-

“In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any Court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

1. Whether the allegations made in the First Information Report or the complaint, even if

they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

2. Where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156 (1) of the Code except under an order of a Magistrate within the purview of Section 155 (2) of the Code.

3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

4. Whether, the allegations in the F.I.R. do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155 (2) of the Code.

5. Where the allegations made in the F.I.R. or

complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

6. Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

At this stage, the investigation is in progress and it cannot be ascertained whether the allegations are groundless or has indeed substance. Therefore, no case is made out to quash the FIR.

It has been argued on behalf of the petitioner that the occurrence had not taken place within the territorial jurisdiction of Police

Station Adampur, therefore, the investigating agency has no jurisdiction in view of the provisions of Section 177 of the Code of Criminal Procedure. This Court has considered this submission. So far as the jurisdiction to register FIR is concerned, it is a matter of fact.

Section 177 of Code of Criminal Procedure speaks about the general principle with regard to the jurisdiction. It provides that every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.

Section 178 Cr.P.C. defines the place of inquiry or trial. It reads as under : -

“Section 178 of CRPC "Place of inquiry or trial"

- (a) When it is uncertain in which of several local areas an offence was committed, or
- (b) where an offence is committed partly in one local area and partly in another, or
- (c) where an offence is a continuing one, and continues to be committed in more local areas than one, or
- (d) where it consists of several acts done in different local areas. it may be inquired into or tried by a Court having jurisdiction over any of such local areas.”

Section 179 Cr.P.C. relates to the offence triable where act is done or consequence ensues. It reads as under : -

“When an act is an offence by reason of anything which has been done and of a consequence which has ensued, the

offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.”

Section 180 Cr.P.C. relates to place of trial where act is offence by reason of relation to other offence. It reads as under : -

“When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, the first-mentioned offence may be inquired into or tried by a Court within whose local jurisdiction either act was done.”

However, Section 181 (4) Cr.P.C. provides for a special jurisdiction with regard to the offences of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or any part of the property which is the subject of the offence was received or retained, or was required to be returned or accounted for, by the accused person.

Learned counsel for the respondent has submitted that in fact said student Deepika Rani has received result cards at her address i.e. within the jurisdiction of Police Station Adampur, therefore, the police / investigating team at Adampur has jurisdiction to enquire into the matter.

It is also the case of the University that in fact some mischievous persons have already committed cheating and forgery with the University and this is why FIR No.380 dated 8.7.2014, FIR No.568 dated 17.11.2014 and FIR No.482 dated 6.10.2015 has been registered at

Police Station Alwar, Rajasthan.

This Court has also considered these contentions. Undisputedly, the investigation is at the preliminary stage.

However, it cannot be ascertained at this stage as to whether said students have received the result cards at their respective home addresses from the petitioner university or from any other place.

In case it is found that said student Deepika Rani or Rajbala were the bonafide students of the University and they received the result cards at their respective home addresses or any of the official/officer of the University had committed the offence, then the University has to account for. In that eventuality, the police of PS Adampur has jurisdiction to enquire into the matter.

In this view of the matter, investigating agency is directed to submit report to the Chief Judicial Magistrate concerned within a period of 60 days from the date of receipt of a certified copy of this order as to whether it has territorial jurisdiction. In case it is found that it has no jurisdiction, then investigation be transferred to the jurisdiction of Police Station Alwar.

Petition stands disposed of accordingly.

(RAJ SHEKHAR ATTRI)
JUDGE

February 21, 2019
Paritosh Kumar

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>