

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

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THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

Crl.O.P No.7065 of 2019
and Crl.M.P.No.3885 of 2019

R.Senthilkumar

... Petitioner

Vs.

1. State rep. by
The Inspector of Police,
Tambaram Railway Police Station,
Chennai Railway Police District.
Crime No.332 of 2018.

2. Lakshmi

... Respondents

PRAYER: Criminal Original Petition filed under Section 407 of the Code of Criminal Procedure to call for the records pertaining to the Crime No.332 of 2018 pending on the file of the 1st respondent police and quash the same against the petitioner.

For Petitioner : Mr.P.Sri Ganesh

For 1st Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

For 2nd Respondent : No appearance

सत्यमेव जयते
O R D E R

The present Criminal Original Petition has been filed seeking a relief to quash the F.I.R registered in Crime No.332 of 2018 pending on the file of the first respondent police as illegal.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent police.

3. Earlier, on receipt of the complaint given by the second respondent, the first respondent police herein registered a case against the petitioner in Crime No.332 of 2018. In the

complaint given by the second respondent to the first respondent, it is alleged that the petitioner herein being the husband of the second respondent everyday came to his residence in a drunken mood. Further, after giving birth of one female child, the petitioner herein neglected the second respondent and committed domestic violence. In the meantime, the petitioner married one another girl and the same was not informed to the second respondent. Resultantly, upon the complaint given by the second respondent, the present criminal case has been registered against the petitioner.

4. Firstly, in respect to the quashing of the impugned F.I.R., only ground raised by the petitioner herein is that the first respondent being a Railway Police not at all having power to register the case against the petitioner for the alleged offences under Sections 403, 409, 506 (i), 494, and 498(A) of I.P.C.

5. Now on considering the said submission with relevant records, it is true that the alleged occurrence had happened at No.16, Moorthi Nagar, 2nd Street, Thirumullaivail, Chennai - 600 062, and there is no dispute that the first respondent police is not at all having any territorial jurisdiction for registering this case. In this regard, Section 177 of Cr.P.C. reads as follows:-

"177. Ordinary place of inquiry and trial-
Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed".

Since the occurrence pertains to the F.I.R. had happened away from the jurisdiction of the Railway Police Station. The prayer sought for by the petitioner is having some force.

6. The Union Ministry of Home Affairs vide communication February 6, 2014, while placing reliance on the dictum of the Supreme Court in Lalita Kumar v. State of UP, inter alia directed registration of FIR irrespective of territorial jurisdiction through Zero FIR. It had advised that "when it becomes apparent that even if the offence has been committed outside the jurisdiction of the police station, Zero FIR would be registered and the FIR will then be transferred to the appropriate police station as per Section 170 of Cr.P.C. Therefore, an appropriate order in this petition is to direct the first respondent police to transfer the petition mentioned F.I.R. to All Women Police Station, Tambaram.

7. Accordingly, the first respondent is directed to transfer the F.I.R. registered in Crime No.332 of 2018 to the file of All Women Police Station, Tambaram, within a period of one month from the date of receipt of a copy of this order. On such receipt of the F.I.R, the Station House Officer, All Women Police Station, Tambaram, is directed to complete the investigation within a period of four months.

With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police,
Tambaram Railway Police Station,
Chennai Railway Police District.
- 2.The Station House Officer
All Women Police Station
Tambaram
3. The Public Prosecutor,
High Court, Madras.

CrI.O.P No.7065 of 2019
and CrI.M.P.No.3885 of 2019

PPA(CO)
SP(24/11/2020)

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