

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 25566 of 2019

Date of Decision: 25.7.2022

Punjab State Warehousing Corporation

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. K.K.Bhullar, Advocate
for the petitioner.

Mr. Pardeep Prakash Chahar, DAG, Haryana.

Mr. M.S.Nagra, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Through the instant petition, cast under Section 482 of the Cr.P.C., the petitioner claims for transfer of investigations of FIR No. 0482 of 11.8.2018, registered at Police Station Quilla Panipat, District Panipat, to the jurisdictionally empowered Judge concerned, in whose territorial jurisdiction, the offences constituted in the FIR (supra), had occurred.

2. However, a perusal of reply, as instituted to the instant petition, by the State of Haryana, reveals that after conclusion of investigations, into the petition FIR, a report under Section 173 of the Cr.P.C. has been instituted, before the learned Judicial Magistrate Ist Class, Panipat, and, thereafter the relevant charges have been framed against the accused concerned, and, whereafter, upon opening of the prosecution evidence, thereupon the list became listed on 13.8.2019, for the recording of the depositions of the prosecution witnesses, but no prosecution witness became examined.

However, today the learned State counsel, on instructions given to him by ASI

Shishpal submits that as of date, the statement of one prosecution witness has been recorded. Therefore, since the learned Judicial Magistrate Ist Class, Panipat, has assumed jurisdiction, and, taken cognizance with respect to the petition FIR, and, since after the institution of a report under Section 173 of the Cr.P.C., by the investigating officer concerned, before the Court of learned Judicial Magistrate Ist Class, Panipat, rather the complainant did not raise any protest, in respect of the jurisdictional competence of the learned JMIC, Panipat, to either assume jurisdiction, or to hold the accused concerned to trial. In consequence, when at the relevant stage, he had the opportunity to raise the above objection, but has not raised the objection, thereupon, at this belated stage, he cannot claim for transfer of investigations in respect of the petition FIR, from the Court of JMIC Panipat, to the purported jurisdictionally empowered Court, at Tarn Taran.

3. However, even if there is an assumption of jurisdiction, and, taking(s) of cognizance by the learned JMIC, Panipat, in respect of the petition FIR, thereupon, may be subject to all just exceptions, the counsel for the petitioner can raise an objection, with respect to its being vitiated, and, that too only when a verdict of acquittal, becomes pronounced qua the respondent-accused, by the learned JMIC, Panipat.

4. Moreover, the offences constituted in the FIR, appertain to cheating of funds, from the complainant, by the respondents-accused, which funds became comprised in a sum of Rs. 22,24,460/-. Even if assuming, the above penal act initially occurred within the jurisdictional competence of the learned JMIC, Tarn Taran, but if thereafter the car was stopped, and, the money was seized therefrom, rather within the territorial jurisdiction of the learned JMIC, Panipat, thereupon, it was a continuous cause of action, and, the Court of JMIC, Tarn Taran, and, the Court of JMIC, Panipat both could assume

jurisdiction, and, cognizance, as the territorial jurisdiction in respect of a continuing offence, becomes vested even in both the Courts, within the territorial limits of whose jurisdiction, the offence has occurred, and, or has commenced, and, in the Court within whose territorial limits of jurisdiction, it becomes concluded. Necessarily also the jurisdictional competence of the police officer, to register an FIR, and, to also carry the investigations, likewise vests not only in the police station concerned, within the territorial limits of whose jurisdiction, the offence commences, but also vests in the police officer concerned/police station concerned, within whose territorial jurisdictional limits, the offence concludes, or ends.

4. With the above observations, the instant petition does not survive, and, is hereby dismissed.

(SURESHWAR THAKUR)
JUDGE

July 25, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No