

2023:PHHC:121545

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-5788-2021 (O&M)
Date of decision: 14.09.2023

Satish Kumar and Others

....Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vivek K. Thakur, Advocate for the petitioners

Mr. Dhruv Sihag, AAG Haryana

Mr. Anil Dutt, Advocate for respondent Nos. 6 to 35

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for directing the respondent Nos.1 to 4 to take appropriate action against private respondents for having cognizable offence regarding which FIR No.105 dated 29.05.2020, registered under Sections 25 and 54 of Arms Act and Sections 148, 149, 307 and 323 IPC has already been registered at Police Station Sanoli, District Panipat.

2. Para 18 of the petition has been perused, which reads thus:

“That the Respondent No.4 has wrongly proposed and recommended the transfer of investigation of the FIR to Uttar Pradesh because the occurrence has admittedly taken place within the territorial jurisdiction of State of Haryana and as such keeping in view the provisions of Section 177 of the Code of Criminal Procedure, the investigation of the said case has to be undertaken by the Respondent No. 4. For the convenience of this Hon'ble High Court, the relevant provisions of Section 177 and 178 of Cr.P.C. are also reproduced below:

-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".

178. Place of inquiry of 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 or, 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."

From the perusal of the above reproduction of the provisions of Section 177 and 178 Cr.P.C. it is abundantly clear that every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed where an offence is committed partly in one local area and partly in another, and even otherwise, for the sake of arguments, where an offence is a continuing or, and continues to be committed in more local areas than one, such offence has to be tried by the Court where the occurrence has taken place.

In the present case, admittedly, the occurrence has taken place in Village Nanhera. District Panipat in the State of Haryana, within the territorial jurisdiction of State of Haryana and even the Haryana Administration has also deputed the revenue Officers and Police Officers/officials in connection with harvesting the crop sown by the petitioners. However, despite the fact that the Administration has deputed the Govt. Officers and Police Force for the purpose of harvesting of crop by the Petitioners, yet the Respondent No.4 has wrongly transferred the investigation of the F.I.R by UP Police."

3. Learned State counsel submits that as a matter of fact, the FIR has been investigated by the Haryana Police as was the prayer of the petitioner and 24 out of 32 accused have been arrested and qua 10, challan has been presented.
4. In view of the above, no further orders are required to be passed.
5. Petition is disposed of as having been rendered infructuous.

(AMAN CHAUDHARY)
JUDGE

September 14, 2023
M.Kamra

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