
(2007) 06 UK CK 0036
In the Uttarakhand High Court

Rajendra Karnwal and Others

APPELLANT

Vs

State of Uttaranchal and Others

RESPONDENT

Date of Decision : 07-06-2007

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 177, 178, 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 342, 498A, 506

Citation : (2007) CriLJ 3913 : (2008) 1 UC 342 : (2007) 2 UD 356

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Prafulla C. Pant, J.—Heard learned Counsel for the parties.

2. By means of this petition, moved u/s 482 of Cr. P.C. the petitioners have challenged and sought quashing of the charge-sheet of criminal case No. 96 of 2006, State v. Prahalad Bhagat, relating to offences punishable under sections 498-A, 342, 506 of IPC, and one punishable u/s 3/4 of the Dowry Prohibition Act, 1961, P.S. Kotdwar, pending before the Judicial Magistrate, Kotdwar.

3. Brief facts of the case are that respondent No. 3 Smt. Suman lodged a first information report with Police Station Kotdwar on 17-3-2006, against the petitioners alleging the harassment for non-fulfilment of demand of dowry, wrong confinement and threat to life. The police investigated the crime, and after investigation submitted the impugned charge-sheet against the accused (present petitioners), before the Judicial Magistrate, Kotdwar.

4. Learned Counsel for the petitioners argued that bare reading of the contents of the first information report, a copy of which is Annexure-1 to the petition, shows that no part of alleged offence has been committed within the territory of Uttarakhand. It is further pointed out that entire alleged incident relates to district Ghaziabad (State of U. P.). Attention of this Court is drawn to Sections

177 and 178 of Code of Criminal Procedure, 1973, which provides that the trial of an offence shall be done ordinarily within the territorial jurisdiction of the Court where such offence has been committed. It is not a case where the incident is covered by any of the exceptions contained in aforesaid Sections of the Code. In view of the principle of law laid down by the Apex Court in Y. Abraham Ajith and Others Vs. Inspector of Police, Chennai and Another, , the Petition u/s 482 of Cr. P.C. deserves to be allowed.

5. Learned Counsel for respondent No. 3 submitted that the impugned charge-sheet itself could be transferred to the competent Court. In the opinion of this Court, since, the matter relates to the inter-State jurisdiction, as such, such power can be exercised by the Apex Court, and not by this Court.

6. For the reasons, as discussed above, the petition u/s 482 of Cr. P.C is allowed. The impugned charge-sheet of Criminal Case No. 96 of 2006; State v. Prahalad Bhagat is quashed, with the observation that the complainant (respondent No. 3) may make a complaint regarding her grievances, before the competent Court having territorial jurisdiction.