

(1997) 05 AHC CK 0210

Allahabad High Court

Case No: Criminal Miscellaneous Writ Petition No. 7330 of 1994

Mrs. Jamuna Devi and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: May 7, 1997

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 156(1), 156(3)
- Penal Code, 1860 (IPC) - Section 109, 406, 498A

Citation: (1997) 21 ACR 725

Hon'ble Judges: N.S. Gupta, J; B.K. Roy, J

Bench: Division Bench

Advocate: Tej Pal, for the Appellant;

Final Decision: Dismissed

Judgement

B.K. Roy and N.S. Gupta, JJ.

The prayer of the Petitioner is to quash the first information report registered as crime case No. 278 of 1993 under Sections 498A, 406 and 109, I.P.C. at P. S. Vrindaban District Mathura.

2. Sri Tej Pal, learned Counsel appearing in support of the petition contended as follows:

The impugned first Information report is liable to be quashed inasmuch as the earlier first Information report was registered by Thana Adhlkari of Bharatpur in the State of Rajasthan under the orders of the Magistrate, Bharatpur (Rajasthan) u/s 156(3), Code of Criminal Procedure which was investigated and found by the Thana Adhlkari himself that within the territorial jurisdiction of his police station, no offence was allegedly committed and forwarded that first Information report to the police station Vrindaban for investigation which is without Jurisdiction and nullity, for the simple reason that he had no Jurisdiction to transfer the earlier first

information report to the police station Vrindaban.

3. In our view the submission made lacks substance Section 156(1) of the Code reads thus:

Police Officer's power to investigate cognizable case. -- (1) Any officer incharge of a police station, may, without the order of a Magistrate, Investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to enquire into or try under the provisions of Chapter XIII.

4. The aforesaid provision vests Jurisdiction in the Officer Incharge of a police station to make investigation of any cognizable case. The impugned first information report *prima facie* discloses commission of cognizable offence.

5. For the aforementioned reasons, we dismiss this writ petition.