

IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT

BILASPUR

Single Bench

Cr.M.P. No. 640 Of 2012.

PETITIONERS: /

APPLICANTS

1. Gautam Mani Manikpuri
S/o Puna Das Manikpuri
aged about 25 year R/o
Village - Bundely, Police
Station-Mungely, District-
Mungely, C.G.

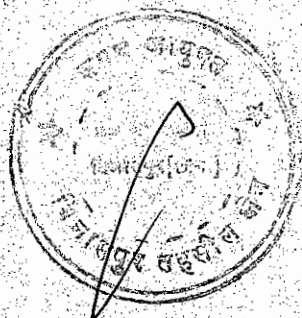
2. Puna Das S/o Late Lednga
Das Manikpuri aged
about 65 year R/o Village -
Bundely Police Station-
Mungely District-Mungely
, C.G.

3. Urmila Bai W/o Puna Das
Manikpuri aged about 60
year R/o Village - Bundely
Police Station-Mungely
, District-Mungely, C.G.

4. Bharti D/o Puna Das
Manikpuri aged about 20
year R/o Village - Bundely
Police Station-Mungely
District-Mungely, C.G.

5. Chandrika Bai W/o Santosh
Manikpuri aged about 28
year R/o Village - Khadauda
Khurd, Police Station-
Pipriya, Tehsil - Kawardha
, District-Kabirdham, C.G.

6. Ambu bai w/o Rohit
Manikpuri aged about 22
year R/o Village - Kunda



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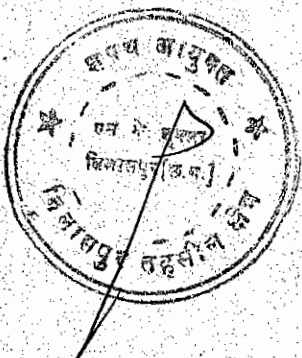
Tehsil-Pandariya , District-
Kabirdham , C.G.

7. Rohit ✓ ManikPury S/o Shri
Gajadhar ManikPury aged
about 35 year R/o Village -
Kunda , Police Station-Kunda
, District-Kabirdham , C.G.

VERSUS

RESPONDENTS/
(Complainant) :

1. Enni Bai @ Hiraundi Bai
W/o Goutam ✓ Mani
Manikpuri aged about 20
year R/o Village -
Chardongri , Police Station-
Pipariya , District-
Kabirdham , C.G.
2. State of Chhattisgarh
Through District Magistrate
Kabirdhan C.G.
(Now respondent no-1 is
residing at maternal
House)



PETITION UNDER SECTION 482 OF THE CODE OF CRIMINAL
PROCEDURE FOR QUASHING OF THE CRIMINAL
PROCEEDINGS IN CRIMINAL, COMPLAIN CASE NO-928/2012,
PENDING BEFORE THE CHIEF JUDICIAL MAGISTRATE
KABIRDHAM C.G.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Criminal Misc Petition No. 640 of 2012

**PETITIONERS /
APPLICANTS**

- 1 Gautam Mani Manikpuri
- 2 Puna Das
- 3 Urmila Bai
- 4 Bharti
- 5 Chandrika Bai
- 6 Ambu Bai
- 7 Rohit ManikPury

VERSUS

**RESPONDENTS /
(Complainant) :**

- 1 Enni Bai @ Hiraundi Bai .
- 2 State of Chhattisgarh

[Petition under Section 482 of the Code of Criminal Procedure, 1973.]

Present:- Mr. A. K. Yadav, Advocate for the petitioners.
None presents for the respondent No. 1
Mr. Ravindra Agrawal, P.L. for the State/respondent No. 2

(SB : Hon'ble Mr. T.P. Sharma, J.)

ORDER
(Passed on 31/08/2012)

1. By this application under Section 482 of the Code of Criminal Procedure, 1973 (for short 'the Code) petitioners have prayed for quashment of criminal proceeding pending before Chief Judicial Magistrate, Kabirdham in Criminal Complaint Case No. 928/2012 for the offence punishable under Sections 498A, 323, 506, 34 of the Indian Penal Code on the ground of territorial jurisdiction.
2. I have heard the learned counsel for both the parties, copy of written complaint lodged to police and copy of complaint, other documents perused.
3. Learned counsel for the petitioners submits that as per complaint entire cause of action against petitioners arose within the territorial jurisdiction of Court situate at Mungeli and not within jurisdiction of Court situate at Kabirdham. Learned counsel further submits that complaint and written complaint to police has not been supported

these evidence whose presence have been mentioned in the written complaint.

4. Learned counsel for the applicant placed reliance in the matter of **Preeti Gupta & another v. State of Jharkhand & another**¹ in which Supreme Court has held that in absence of any specific allegation against accused persons in case of Section 498A of IPC criminal proceeding is required to be quashed. Advocates are also responsible and under obligation to ensure that social fiber of family life is not ruined or demolished – They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Learned counsel also placed reliance in the matter of **Amita Majumdar & Others v. State of C.G. & another**² in case of incident took place at A and report lodged at B in absence of any cause of action Court situate at place B will have no jurisdiction to try the offence.
5. Para 6 of written complaint to police and para 6 & 7 of written complaint allegation made in complaint before the Court clearly reveal that part of cause of action in the present case has been arose within territorial jurisdiction of Kabirdham, therefore, by taking cognizance and issuing process in terms of Section 204 of the Code Court below has not committed any illegality. As per para 6 of the complaint made by complainant to Superintendent of Police, Kabirdham and in para 6 & 7 petitioners went to the maternal house of complainant situate with the territorial jurisdiction of Kabirdham / Kawardha where they have committed torture and cruelty upon the complainant. These allegation is sufficient for invoking jurisdiction by Chief Judicial Magistrate, Kabirdham.
6. Even as in the case of **Preeti Gupta & another** (supra) and **Amita Majumdar & Others** (supra) clear and unambiguous allegation against petitioners and have been made cause of action arose also within territorial jurisdiction of Kabirdham. Consequently, petition is liable to be dismissed and is hereby dismissed at the stage of motion itself. Interim application also dismissed.

Sd/-
T.P. Sharma
Judge