

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ANAND PATHAK

ON THE 17th OF AUGUST, 2024

MISC. CRIMINAL CASE NO. 34614 of 2024

MUNNI DEVI

Vs.

VIKAS DUBEY & ORS.

APPEARANCE:

Ms. Yashoda Uniya – Advocate for the petitioner.

Shri Kaushlendra Singh Tomar – Public Prosecutor for the respondent/State.

ORDER

1. The present petition has been preferred by the petitioner under Sections 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 482 of Cr.P.C.) seeking quashment of order dated 15-07-2024 passed by the IV Additional Sessions Judge, Bhind in Criminal Revision No.120/2023 affirming the order dated 30-09-2023 passed by the JMFC, Bhind whereby the application under Section 156(3) of Cr.P.C. and the private complaint preferred by the petitioner has been dismissed.
2. Precisely stated facts of the case are that petitioner sold his house to one Swadesh Kumar Katiyar vide registered sale deed dated 01-06-2022 for a consideration of Rs.60 lacs out of which she received Rs.1,10,000/-, cheque of Rs.10,90,000/- and for remaining amount she received a demand draft of Rs.48 lacs but due to collusion of Vikas Dubey and Deepak Gupta she did not receive the amount of demand draft. According to petitioner, Vikas Dubey took the

petitioner to Farrukhabad (U.P.) where he got the account of petitioner opened in IDBI Bank and got signature over four empty cheques thereafter Rs.26 lacs were withdrawn by Deepak Gupta by encashing to cheques and transferred Rs.20 lacs in the account of petitioner's daughter-in-law. When petitioner raised her voice then she was threatened for dire consequences.

3. Petitioner submitted a complaint to the police authorities but since that complaint remained unheeded, therefore, petitioner preferred private complaint along with application under Section 156(3) of Cr.P.C. which was dismissed by the JMFC, Bhind on the ground of territorial jurisdiction. The criminal revision preferred by the petitioner against the said order also met the same fate, therefore, petitioner is before this Court.
4. It is the submission of learned counsel for the petitioner that since the accused persons took the petitioner from Bhind to Farrukhabad therefore, part of cause of action accrued at Bhind. It is further submitted that the Courts below without considering the material aspects of the matter, dismissed the case of petitioner. Thus, prayed for quashing of the orders and direction to the trial Court to take cognizance in the matter of petitioner.
5. Learned counsel for the respondent/State opposed the submissions and submitted that since the incident of alleged cheating and forgery took place at Farrukhabad, therefore, the jurisdiction of this case falls at Farrukhabad itself. Thus, prayed for dismissal of this petition.
6. Heard learned counsel for the parties at length and perused the documents appended thereto.
7. This is a case where the petitioner/complainant is alleging in

relation to commission of offence at Bhind. According to petitioner, since she has been taken from Bhind to Farrukhabad therefore, part of cause of action arises at Bhind whereas if the accusation of private complaint of petitioner is seen then it appears that all the alleged incident occurred at Farrukhabad.

8. There has been considerable argument over the venue of the trial. The offence in relation to cheating and forgery occurred at Farrukhabad, therefore, in view of the provisions of Section 177, 178 as well as Section 181 of Cr.P.C. both the Courts below have rightly dismissed the private complaint of petitioner. This Court also does not find any jurisdiction to try at the case at Bhind.
9. Section 178 of Cr.P.C. provides certain exigencies which are applicable in the present case in its full dimensions. According to accusation of petitioner itself, she was taken to Farrukhabad where under compulsion she signed certain cheques and she was wrongly restrained by the accused persons also, therefore, both the Courts below did not err in holding that territorial jurisdiction of this Court lies at Farrukhabad. The judgment rendered by the Apex Court in the matter of Sujata Mukherjee (Smt.) Vs. Prashant Kumar Mukherjee, (1997) 5 SCC 30 squarely applies here. Following the guidelines of Apex Court in relation to territorial jurisdiction, this Court also in M.Cr.C.No.4182/2016 (Atar Singh and others Vs. State of M.P. and another) vide order dated 20-10-2016 made the same proposition.
10. Further, there is concurrent findings recorded by two Courts below. Therefore, when two Courts below have given finding in specific term in relation to territorial jurisdiction, then no case for interference under the limited jurisdiction of Section 482 of Cr.P.C.

is made out.

11. In the conspectus of facts and circumstances of the case, no manifest illegality, procedural impropriety or palpable perversity is reflected in the impugned orders. No cogent ground has been pointed out by counsel for the petitioner to show indulgence in the case in hand. Thus, no case for interference is made out under the limited scope of Section 482 Cr.P.C. Petition *sans* merits and is hereby dismissed.
12. Petition stands **dismissed**.

(ANAND PATHAK)
JUDGE

Anil*