

I (2016) DLT (CRL.) 787
DELHI HIGH COURT
Suresh Kait, J.
NEPAL SINGH—Petitioner

versus

STATE, NCT OF DELHI & ANR.—Respondents
Crl. M.C. No. 558 of 2015—Decided on 19.1.2016

(i) Criminal Procedure Code, 1973 — Section 468 — Indian Penal Code, 1860 — Sections 406, 409, 420, 468, 471 — Limitation — Criminal Breach of Trust — Cheating — Forgery — Alleged misappropriation of funds of Co-operative Housing Society to the tune of crores of rupees — Bar of limitation — Limitation prescribed under Section 468, Cr.P.C. applies to only non-serious cases where imprisonment term does not exceed three years — Keeping in view offences for which FIR in question is registered against petitioner, bar of limitation under Section 468, Cr.P.C. is not applicable as maximum punishment exceeds three years.

[\[Paras 18, 20\]](#)

(ii) Criminal Procedure Code, 1973 — Sections 156(2), 177, 178, 179, 482 — Indian Penal Code, 1860 — Sections 406, 409, 420, 468, 471 — Territorial jurisdiction — Criminal Breach of Trust — Cheating — Forgery — Alleged misappropriation of funds of Co-operative Housing Society — When it is uncertain in which of several local areas an offence was committed, or where it consists of several acts done in different local areas, said offence can be enquired into or tried by a Court having jurisdiction over any of such local areas — Appreciation of evidence is function of Courts when seized of matter — At the stage of investigation, material collected by investigation officer cannot be judicially scrutinized for arriving at a conclusion that Police Station officer of a particular Police Station would not have territorial jurisdiction — Earlier FIR was registered against petitioner at Police Station Shakarpur, Delhi, for offences punishable under Sections 420/406, IPC — After investigation, charge-sheet was also filed in said case — Thereafter, petitioner compromised the matter with complainant by paying money — Delhi Police has jurisdiction — To say at stage of investigation that Delhi Police was not having territorial jurisdiction, is on face of it, illegal and erroneous — Section 156(2), Cr.P.C. contains an embargo that no proceedings of a police officer shall be challenged on ground that he has no territorial power to investigate — Present petition has been filed prematurely.

[\[Paras 26 to 29, 31, 32, 36, 37\]](#)

Result: Petition dismissed.

Cases referred:

1. *Suresh v. Mahadevappa Shivappa Danannava and Another*, [II \(2005\) SLT 595](#)=I (2005) CCR 214 (SC). (Referred) [\[Para 11\]](#)
2. *Joseph Salvaraj A. v. State of Gujarat & Ors.*, [V \(2011\) SLT 278](#)=III (2011) CCR 113 (SC). (Referred) [\[Para 12\]](#)
3. *State of Karnataka v. M. Devendrappa & Anr.*, [I \(2002\) SLT 248](#)=I (2002) CCR 83 (SC). (Referred) [\[Para 16\]](#)
4. *Vanka Radhamanohari (Smt.) v. Vanka Venkata Reddy & Ors.*, [1993 \(SLT SOFT\) 524](#)=I (1994) DMC 172 (SC). (Relied) [\[Para 21\]](#)
5. *Satvinder Kaur v. State (Govt. of NCT of Delhi)*, [VIII \(1999\) SLT 392](#)=II (1999) DMC 512 (SC). (Relied) [\[Para 24\]](#)

Counsel for the Parties:

For the Petitioner : *Mr. R.M. Sinha, Advocate.*

For the State : *Mr. Hirein Sharma, Additional Public Prosecutor with Inspector Nipun Kumar, P.S. Shakarpur.*

For the Respondent No. 2 : *Mr. Pradeep Kumar Arya, Mr. Narinder Chaudhry, Mr. Pankaj Singh and Mr. Raj Karan Sharma, Advocates with respondent 2 in person.*