



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 4396 / 2017

Deva Ram Meghwal S/o Shri Prema Ram Meghwal, Sarencha, Near
Bus Stand, Tehsil Luni, District Jodhpur (Raj.)

----Petitioner

Versus

State of Rajasthan

----Respondent

For Petitioner(s) : Dr. Javed Moyal

For Respondent(s) : Mr. Vikram Singh Rajpurohit, P.P.

HON'BLE MR. JUSTICE SANDEEP MEHTA

Order

03/01/2018

By way of this petition under Section 482 CrPC, the petitioner complainant Deva Ram Meghwal has approached this court for challenging the order dated 10.11.2017 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Jodhpur Metro, whereby the trial court refused to entertain the complaint filed by the petitioner on ground of lack of jurisdiction. The complainant filed the complaint with an allegation that Jain Muni Shri Tarun Sagar Maharaj addressed a press conference at Jain Bhawan, Bajaj Road, Sikar about 5-7 days before lodging of the complaint and he allegedly insulted the people of SC/ST category saying that "owing to reservation policy, swans were lagging behind, whereas crows were flying". The complainant claims to have come across the said speech on the social media at Jodhpur and feeling offended and insulted thereby, he lodged the complaint in question alleging that the Jain Muni was guilty of



various offences as he hurt the feelings of the people belonging to SC/ST category and thus, he should be prosecuted for the offences under Section 3(1) of the SC/ST Act, Sections 121-A, 124, 124-A IPC read with Section 67 of the IT Act.

As stated above, learned Special Judge refused to entertain the said complaint filed by the petitioner observing that going by the admitted allegations set out in the complaint, evidently no offence was committed by the concerned person within the territory of Jodhpur so as to justify lodging of the complaint in that court. The said order dated 10.11.2017 is challenged by the petitioner in this miscellaneous petition.

I have heard and appreciated the arguments advanced by Dr. Javed Moyal, learned counsel representing the petitioner, and have gone through the impugned order as well as the complaint lodged by the petitioner.

Evidently, on going through the entire complaint, it is apparent that there is not even a whisper of an allegation therein that the so-called offending statement made by the Jain Muni was published or circulated in Jodhpur so as to justify entertainment of the complaint by the Special Judge, SC/ST (Prevention of Atrocities) Case, Jodhpur Metro or the police at Jodhpur. Though there is a vague allegation in the complaint that the statement given by Jain Muni was circulated on the social media, however, it is absolutely silent on the aspect as to whether the so called offending statement was intentionally circulated in Jodhpur so as to justify invocation of jurisdiction of the court at Jodhpur. Dr. Javed Moyal, learned counsel representing the petitioner, relied



upon the Supreme Court decision in the case of **Rasiklal Dalpatram Thakkar Vs. State of Gujarat & Ors.** reported in **2010 Cr.L.R. (SC) 133** and tried to impress upon the court that the complaint could not have been rejected on the ground that the investigating agency did not have jurisdiction to investigate the matter. He also relied upon Supreme Court decision in the case of **Lalita Kumari Vs. Govt. of Uttar Pradesh & Ors.** reported in **2014 Cr.L.R. (SC) 236** and buttressed that registration of an FIR disclosing commission of cognizable offences is the mandatory duty of the concerned authority/police. He, thus, implored the court to quash the impugned order and direct the registration of the complaint by the competent court.

I have given my thoughtful consideration and have gone through the material available on record.

It may be mentioned here that the original complaint of, which has been returned to the complainant, is annexed with the petition and on a bare perusal thereof, it is apparent that no copy either soft or hard or electronic was attached therewith, which could have satisfied the court that any statement as referred to by the complainant in the complaint was actually given by the Jain Muni. That apart, going by the complainant's version, the so called offending statement was given in a press conference concerned at Sikar. The complainant has not made even a bald allegation in the entire complaint that the said statement was conveyed at Jodhpur or that the same was published or circulated on any social media within the territory of Jodhpur. Thus, this court is of the firm opinion that the Special Court at Jodhpur was



not vested with the territorial jurisdiction to entertain the complaint filed by the petitioner.

The ratio of the Supreme Court decision in the case of Rasiklal would have no application to the facts of the case at hand because the said judgment expounds that the investigating agency cannot refrain from holding appropriate and complete investigation on the ground that it lacks territorial jurisdiction to do so. In the case at hand, the competent court returned the complaint to the petitioner on the ground of lack of jurisdiction and manifestly, Sections 177 and 178 of the CrPC do empower the court to examine the matter on the anvil of territorial jurisdiction and to refuse to entertain the complaint, in case the same does not disclose commission of cognizable offences within its territorial jurisdiction.

In view of the discussion made hereinabove, I find no illegality, irregularity, infirmity or abuse of process of law being reflected from the impugned order so as to warrant interference therein. Accordingly, the instant miscellaneous petition is dismissed as being devoid of merit.

(SANDEEP MEHTA), J.

Pramod