



Serial No.01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Crl.Petn.No.8/2025

Date of Order: 19.03.2026

Smti. Nagma Khatoon

.... Petitioner

Vs.

1. The State of Meghalaya, represented by its Secretary, Home (Police) Department, Government of Meghalaya.
2. The Officer-in-Charge, Lumdiengjri Police Station, Lumdiengjri, Shillong-793002.
3. The Investigating Officer, Lumdiengjri Police Station, Lumdiengjri, Shillong-793002.
4. Shri Tauseef Reza
5. Md. Zubair
6. Smti. Afsana Khatoon

..... Respondents

Coram:

Hon'ble Mrs. Justice Revati Mohite Dere, Chief Justice

Appearance:

For the Petitioner : Mr. S. Sen, Adv with
Mr. S. Paul, Adv

For the Respondents : Mrs. T. Yangi B., AAG with
Mr. J.N. Rynjah, GA
Ms. A.D. Sharma, LAC for R/5&6

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| i) | Whether approved for reporting in Law journals etc.: | No |
| ii) | Whether approved for publication in press: | No |

**JUDGMENT:**

By this petition, the petitioner has sought (i) quashing and setting aside of the impugned order dated 1st November, 2022 passed by the learned Judicial Magistrate First Class, Shillong in C.R. Case No.202(S) of 2022; and (ii) quashing and setting aside the impugned order dated 2nd May, 2023 passed by the learned Chief Judicial Magistrate, Shillong in Lumdiengjri P.S. Case No.137(11) of 2022; with a direction to the learned Chief Judicial Magistrate, Shillong or the learned Judicial Magistrate First Class, Shillong to initiate proceedings under Section 200 CrPC/223 BNSS.

2. Few facts as are necessary to decide the aforesaid petition are as under;

3. The petitioner (original complainant) filed a private complaint as against the respondent Nos.4 to 6 with a prayer to take cognizance of the offences punishable under Sections 417, 402, 339, 342, 498-A, 313, 376, 506 and 405 of the IPC and Section 4 of the Dowry Prohibition Act, 1961. The said complaint



was registered as C.R. Case No.202(S) of 2022 in the Court of the Chief Judicial Magistrate, Shillong.

4. The respondent No.4 is the husband of the petitioner. The petitioner and the said respondent No.4 got married at Muzaffarpur (Bihar) on 5th November, 2019. The said marriage is stated to have been arranged by the respondent Nos.5 and 6, for which they demanded ₹4 lakhs as commission from the petitioner's father. The petitioner in the said complaint made to the learned Chief Judicial Magistrate, Shillong has set out details of instances constituting the alleged offences. The petitioner in the said complaint has prayed that the Court take cognizance of the offences committed by the said persons i.e. respondent Nos.4 to 6.

5. When the said complaint came up before the learned Judicial Magistrate First Class, Shillong on 1st November, 2022, the learned Magistrate, after perusing the petitioner's written complaint alleging the aforesaid offences and after referring to the decision of the Apex Court in ***Devarapalli Lakshminarayana v. V. Narayana Reddy: AIR 1976 1672***,



noted in paragraph 6, 'that the matter was at a pre-cognizance stage and considering the nature of the assertions made, including the offence of rape apart from cheating and dishonest misappropriation of property and other offences, it was necessary in exercise of the powers under Section 156(3) CrPC, that the complaint be forwarded to the Officer-in-Charge of Lumdiengjri Police Station, for investigating the facts as stated in the complaint'. Accordingly, the C.R. complaint No.202(S) of 2022 was disposed of by the learned Judicial Magistrate, Shillong after forwarded the petitioner's complaint to the Officer-in-Charge of Lumdiengjri Police Station. The said order dated 1st November, 2022 is at page 37 of the petition at 'Annexure-5'.

6. Pursuant to the aforesaid order passed by the learned Magistrate, it appears that the Lumdiengjri Police Station registered an FIR, being Lumdiengjri P.S. Case No.137(9) of 2022 for the aforesaid offences.

7. Pursuant to the order dated 1st November, 2022, the WPSI L. Kharjana of Lumdiengjri Police Station addressed a letter to the Chief Judicial Magistrate, Shillong informing the learned



Magistrate that during the course of investigation, she had personally visited Muzaffarpur, Bihar for collecting evidences and for recording statements; and that during the course of investigation, it was found that the entire cause of action had arisen in Muzaffarpur, Bihar and as such, the investigating agency lacked territorial jurisdiction to carry out the investigation. Accordingly, vide the said letter, the officer requested that necessary orders be passed to the extent that the complainant (petitioner) should be given liberty to approach the investigating agency at Bihar to pursue her case.

8. Based on the letter dated 28th April, 2023 received by the Chief Judicial Magistrate, Shillong, the learned Chief Judicial Magistrate vide order dated 2nd May, 2023, on the basis of the said report directed the Investigating Officer to forward the FIR, complaint and other relevant documents to the concerned and competent police station at Muzaffarpur, Bihar for taking cognizance. Pursuant to the said order dated 2nd May, 2023, all papers were forwarded to Muzaffarpur, Bihar.



9. It appears that on 22nd January, 2024, the WPSI L. Kharjana, Lumdiengjiri Police Station addressed a letter to the petitioner (complainant) stating therein, that during the course of investigation in connection with the aforesaid case, it was found that the entire cause of action had arisen at Muzaffarpur, Bihar and that the investigating agency at Shillong lacked territorial jurisdiction to carry out the investigation in the said case. Accordingly, the police transferred the case to Maniyari Police Station, Muzaffarpur, Bihar on 10th January, 2024 for further investigation as per the Court order dated 2nd May, 2023 passed by the learned Chief Judicial Magistrate, Shillong. Vide the said letter, the police also informed the petitioner that she may pursue the case before the competent investigating agency.

10. It is in these aforesaid facts, that the petitioner seeks quashing of both the impugned order dated 1st November, 2022 and 2nd May, 2023 passed by the learned Judicial Magistrate First Class, Shillong and the learned Chief Judicial Magistrate, Shillong, respectively.



11. Vide order dated 17th March, 2025, notice was issued to the respondent Nos.4 to 6. Accordingly, the respondent Nos.5 and 6, put in their appearance through their Advocate Ms. A.D. Sharma. Despite service, none appears for the respondent No.4. Infact, notice was issued to the respondent No.4 on two occasions. On the second occasion, the notice indicated that an endeavour shall be made to dispose of the petition finally at the stage of admission, even if none appears for the said respondent. Office noting shows that the said respondent No.4 refused to accept service. Hence, this petition was taken up for hearing.

12. Learned counsel for the petitioner submitted that the petitioner filed a complaint seeking an order only under Section 200 CrPC and not under Section 156(3). The said submission of the learned counsel for the petitioner is not borne out by the complaint filed by the petitioner. The prayer in the complaint made by the petitioner before the learned Magistrate is to take cognizance of the offences committed by the above-named offenders and to punish them in accordance with law.



13. The learned Magistrate after perusing the complaint found that the allegations were serious in nature and accordingly passed an order under Section 156(3) CrPC. It is pertinent to note that while passing the order under Section 156(3) on 1st November, 2022, the learned Magistrate disposed of the said complaint. Paragraph 8 of the said order reads thus:

“8. This CR Complaint No.202(S) 2022 is accordingly disposed on the complaint being forwarded to the Officer-in-Charge of Lumdiengjri Police Station”.

14. Thus, it is evident from the aforesaid that after passing an order under Section 156(3), the learned Magistrate had disposed of the complaint, since the same was forwarded to the Officer-in-Charge of Lumdiengjri Police Station. It is the discretion of the learned Judge, whether to pass an order under Section 200 CrPC or under Section 156(3) CrPC. No error or illegality can be found in the said order dated 1st November, 2022.

15. Pursuant to the said order dated 1st November, 2022, it appears that the Lumdiengjri Police Station registered an FIR vide Lumdiengjri PS Case No.137(9) 2022 for the alleged offences



punishable under Sections 417, 402, 339, 342, 498-A, 313, 376, 506 and 405 of the IPC and Section 4 of the Dowry Prohibition Act. The Lumdiengjri Police Station after noticing that the cause of action has arisen in Muzaffarpur brought the same to the notice of the Chief Judicial Magistrate, who passed the impugned order dated 2nd May, 2023. The last paragraph which is based on the report forwarded by the Lumdiengjri Police Station reads thus:

“In view of the above observation made the I/O of this case is directed to forward the FIR, the complaint u/s 200 CrPC and all the relevant documents along with the statement of all the witnesses recorded by her to the concerned and competent P.S. at Mirzaffarpur, Bihar to take cognizance of the case and to expedite investigation and submission of FF before the court having competent jurisdiction for trial the case at Bihar.

I/O to take necessary steps to inform about the transfer of the case to the complainant”.

16. It may be noted that the Magistrate had no power to direct or forward the complaint to Muzaffarpur, Bihar and direct the said police station to take cognizance of the case and to direct the said police station to expedite the investigation and submit a report before the Court having competent jurisdiction for trial at



Bihar. The said order being wholly without jurisdiction, cannot be sustained and as such, the said impugned order dated 2nd May, 2023 is quashed and set aside.

17. It is pertinent to note that the Lumdiengjri police have already forwarded Police Case No.137(9) of 2022, registered with Lumdiengjri Police Station to Maniyari Police Station, based on the order dated 1st November, 2022 under Section 156(3) CrPC.

18. In this view of the matter, only the impugned order dated 2nd May, 2023 is quashed and set aside. The Lumdiengjri Police Station have already forwarded the FIR to the Maniyari Police Station, Muzaffarpur, Bihar on 10th January, 2024 and that it appears that the said police station is investigating the case.

19. Needless to state, that if a police station finds that it does lack territorial jurisdiction to entertain the complaint, it is allways open for the said police station to transfer the case to the police station having territorial jurisdiction, as has been done in the present case and as such, no infirmity can be found in the same.



20. The petition is partly allowed to the extent aforesaid and is disposed of.

**(Revati Mohite Dere)
Chief Justice**

**Meghalaya
19.03.2026
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