



2026:AHC:184083

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 3267 of 2026

Sanatan Dharm Rakshapeeth and another
.....Revisionist(s)

Versus

State of U.P. and 2 others
.....Opposite Party(s)

Counsel for Revisionist(s)	: Satendra Singh
Counsel for Opposite	: Ashutosh Kumar Sand, G.A.,
Party(s)	Mohit Singh, Ravi Kumar
	Singh

A.F.R.

Reserved on:-10.8.2026

Delivered on:-3.9.2026

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard Ms. Rreena N. Singh and Mr. Satendra Singh, learned counsel for the revisionist, Sri Manish Goyal, learned Additional Advocate General assisted by Sri Pankaj Saxena, learned A.G.A. for State, Sri Ashutosh Kumar Sand, learned counsel for opposite party no.2 and Sri Ravi Kumar Singh, learned counsel for opposite party no.3.

2. The present criminal revision is preferred by revisionist for quashing the order dated 6.6.2025 passed by Additional Civil Judge (S.D.), First/Additional Chief Judicial Magistrate/Special Judge M.P./M.L.A., Mathura in Misc. Application No.1023 of 2025, Kaushal Kishor Thakur Ji Vs. Suresh Khanna, under Section 175(3) of B.N.S.S. 2023, Police Station-Vrindavan, District-Mathura and the application of revisionist was to lodge first information report and investigate the matter against opposite party no.2-Suresh Khanna.

3. It is submitted by learned counsel for revisionist that by means of impugned order dated 6.6.2025, the application filed by revisionist before court of first instance was rejected on the ground of jurisdiction. An application under Section 175(3) BNSS was preferred by revisionist before court of first instance for lodging of first information report against opposite party no.2, (who is a Cabinet Minister in the State of U.P.) for interfering in investigation arising out of a first information report dated 7.4.2022. Learned counsel for revisionist has referred to letter dated 16.7.2024 by which opposite party no.2 is alleged to have instructed Additional Chief Secretary, Department of Home, Government of U.P. to take necessary action on application of one Shulbha Singhal (wife of opposite party no.3, who is main accused in first information report dated 7.4.2022). The letter dated 16.7.2024 was written at Lucknow where office of opposite party no.2 is situated and investigation arising out of first information report dated 7.4.2022 is going on at Meerut. However, the investigation in previous first information report 7.4.2022 is arising out of a property situated at Vrindavan, District Mathura.

4. Learned counsel for revisionist submits that as per allegation in previous first information report dated 7.4.2022, it is alleged that opposite party no.3 was instrumental in recording the name of his father in the disputed property, which belongs to the revisionist no.1. A forged will has come into picture in respect of which forensic examination was conducted at Forensic Science Laboratory, Agra and report was submitted to Meerut Vigilance department. On account of aforesaid facts, charge sheet was submitted in the previous first information report and opposite party no.3 has been summoned by court at Meerut.

5. It is further submitted by learned counsel for revisionist that letter dated 16.7.2024 written by opposite party no.2 would amount to interference in investigation. The interference at the behest of Ministers specifically barred by judgment passed by Supreme Court in the case of **Vineet Narain Vs. Union of India, 1998 (1) SCC 226 and Lalita Kumari Vs. State of U.P., 2014 (2) SCC 1** and submits that it is not in dispute that the offence was not committed in Mathura and was committed at Lucknow. However, learned counsel for revisionist relies upon Section 199 of BNSS, 2023 to submit that consequence of aforesaid offence ensues at Mathura, as a result of same, the application under Section 175(3) of BNSS, 2023 was preferred before the court at Mathura.

6. Learned counsel for revisionist submits that offence under Sections 12 and 13 of Prevention of Corruption Act would be attracted in the facts and circumstances of the

case along with Section 61, 45 and 60 of BNS, 2023 in respect of alleged act of opposite party no.2 of writing letter.

7. Learned counsel for revisionist further submits that prior in point of time (presenting the aforesaid application before the court of first instance), a letter was written on 17.2.2025 to the SSP, Mathura, which is at page 158 of paper book. The consequence of offence ensue at Mathura and therefore, the trial court erred in law in rejecting application filed by revisionist and as such revision is liable to be allowed. The consequences of alleged act of opposite party no.2 are delay and interference in pending investigation arising out of first information report dated 7.4.2022.

8. Sri Manish Goyal, learned Additional Advocate General assisted by Sri Pankaj Saxena, learned counsel for State has opposed the present revision and stated that the court at first instance has rightly passed the impugned order. In fact, no offence is made out against the opposite party no.2. The disputed letter dated 16.7.2024, which is at page 131 of the paper book does not carve out any offence. The aforesaid letter only forwards letter written by wife of opposite party no.3 to the Additional Chief Secretary, Department of Home, Government of U.P. for taking necessary action in accordance with law and therefore, it cannot be said that there is any interference in the investigation. More particularly, when the charge sheet has been submitted on 4.10.2024 in respect of the previous first information report dated 7.4.2022 before the court concerned and cognizance has been taken on 7.10.2024 and the opposite party no.3 has been summoned.

9. Learned Additional Advocate General further submits that no consequence ensue in respect of letter written by opposite party no.2. Therefore, revisional court has committed no error in passing the impugned order. He submits that mere place of property, which is subject matter of previous first information report cannot be a ground for holding jurisdiction of court at Mathura. The jurisdiction of court is generally where the offence is committed is settled principle of law.

10. Sri A.K. Sand, learned counsel for opposite party no.2 has adopted the arguments of learned Additional Advocate General. He further submits that trial court has passed appropriate order as the trial court has no jurisdiction in the matter. It is submitted that in pursuance to letter dated 16.7.2024 written by opposite party no.2, a letter was written by Under Secretary, Government of U.P. on 24.10.2024 forwarding application for further investigation that is after the submission of charge sheet on 4.10.2024 in the previous first information report dated 7.4.2022 and the consequential cognizance on 7.10.2024 by the court concerned. Therefore, there is no consequence ensue in pursuance to letter of opposite party no.2.

11. It is alleged by revisionist, that initially a first information report dated 7.4.2022 was lodged against several persons, including opposite party no.3-Shri Nirvikar Singhal, under Sections 120B, 166, 420, 467, 468, 471 of I.P.C. and Section 7 of Prevention of Corruption Act, 1988. The aforesaid first information report is lodged by Vigilance Department at Police Station-Meerut Sector (Vigilance

Department), whereby it is alleged that opposite party no.3 has committed criminal act of registering the place/property of Sant Kutti of Manav Seva Sangh Ashram, Vrindavan in name of his father, namely, Jagdish Prasad in the records of Municipal Council, Vrindavan, Mathura, despite knowing that property belongs to Manav Seva Sangh. The opposite party no.3 has also got prepared a forged will of Kumari Mukteshwari, who is a resident of Manav Seva Sangh and close aid of Nirvikar Singhal with intention of usurping the Sant Kutti situated at Ashram Manav Seva Sangh and causing loss to property of Manav Seva Sangh Ashram by transferring property and electricity connection of Sant Kutti in name of his father, namely, Jagdish Prasad and thereby knowingly, harassed and participated in criminal act and opposite party no.3 is guilty of being involved in a criminal conspiracy against Manav Seva Sangh Ashram.

12. The opposite party no.2 was not named in the abovementioned first information report dated 7.4.2022. Further, it is not shown by counsel for revisionist that opposite party no.2 is an accused in previous first information report dated 7.4.2022 or subsequent charge sheet submitted. It is also not in dispute between the parties that in pursuance to abovementioned first information report dated 7.4.2022, investigation was proceeded at Meerut and charge sheet was submitted on 4.10.2024 against opposite party no.3 before the court at Meerut and further court at Meerut has taken cognizance and summoned accused-opposite party no.3 by summoning order dated 7.10.2024 before Court of Special Judge, Anti-Corruption Act, Meerut.

13. It is further alleged in above-mentioned application that Rakesh Kumar is real brother of opposite party no.3 (opposite party no.3 is an accused in abovementioned first information report dated 7.4.2022) and Rakesh Kumar is friend of opposite party no.2 (opposite party no 2 is resident of Shahjahanpur). Rakesh Kumar made a representation to opposite party no.2. The opposite party no.2 had written a letter questioning the working of Vigilance department of Agra and State Forensic Laboratory, Agra and got the investigation (in respect of first information report dated 7.4.2022) transferred from Agra vigilance to Meerut vigilance and express doubts on investigation of State Forensic Laboratory, Agra. The opposite party no.2 further recommended (in writing) that verification of signature on disputed document be conducted by Central Forensic Science Laboratory, Bhopal, Madhya Pradesh, instead of State Forensic Science Laboratory, Agra due to which investigation got delayed for two years. Further, on the representation of Mrs. Salbha Singhal (wife of Nirvikar Singhal-opposite party no.3) for second time raise written doubts on central forensic investigation agency at Agra by writing letter and intervene under section 173 (8) Cr.P.C., 1973 to delay the investigation. It is also alleged that opposite party no.2 is a Cabinet Minister and is not associated with Manav Seva Sangh Ashram and is a clear case to intervene and delay the investigation by opposite party no.2.

14. The revisionist preferred an application under section 175 (3) of Bharatiya Nagrik Suraksha Sahita, 2023 (for brevity hereinafter referred to as "BNSS, 2023") before the court of Special ACJM/MP MLA, Mathura with a prayer for registering a first information report against opposite party

no.2 under Sections 201, 198, 61 and 45-60 of B.N.S., 2023 and Sections 12, 13(1)(d), 13(2) and 17A of Prevention of Corruption Act, 1988 and other relevant provisions. The aforesaid application of revisionist also prayed to conduct fair and impartial investigation to ascertain the extent of interference & corruption and to ensure that accused faces legal consequences for obstructing justice and violating the rule of law. The provision of Section 175 (3) of BNSS, 2023 is quoted hereinbelow:-

“(3) Any Magistrate empowered under section 210 may, after considering the application supported by an affidavit made under sub-section (4) of section 173, and after making such inquiry as he thinks necessary and submission made in this regard by the police officer, order such an investigation as above-mentioned.”

15. The Court of first instance by impugned order dated 6.6.2025 has rejected the application of revisionist (under section 175(3) of BNSS, 2023) on the ground that court concerned at Mathura has no jurisdiction to entertain the said application of revisionist, as the act of opposite party no.2 that is complained of, was in respect of a first information report registered at Meerut & Investigating Officer is of Meerut and further investigation is going on at Meerut and opposite party no 2 is resident of Shahjahanpur and is working at Lucknow.

16. The challenge to impugned order dated 6.6.2025 being raised by learned counsel for revisionist is that immovable property forming part of dispute in previous first information

report dated 7.4.2022 against opposite party no.3 is situated in Vrindavan, Mathura. Further, consequences of delay of investigation and interference in investigation originated within territorial limits of District Mathura. It is also submitted on behalf of revisionist that under Section 199 of BNSS, 2023, the consequences of act of opposite party no.2 ensued at Mathura and as such court at Mathura has jurisdiction to entertain the abovementioned application of revisionist.

17. It is to be seen that under criminal law, jurisdiction to try an offence is ordinarily vests with court within whose local jurisdiction, the offence was committed as per section 197 of BNSS, 2023. As per revisionist, it is alleged that opposite party no.2 (who is alleged to be a Cabinet Minister in State of Uttar Pradesh) has written a letter dated 16.7.2024 to Additional Chief Secretary, Home Department, Government of Uttar Pradesh and thereby interfered and delayed the investigation of first information report dated 7.4.2022. Further, opposite party no.2 by means of abovementioned letter dated 16.7.2024 has forwarded application of wife of opposite party no.3 (opposite party no.3 is an accused in previous first information report dated 7.4.2022) for investigation of disputed document/will by Central Forensic Science Laboratory, Bhopal, Madhya Pradesh. The Under Secretary, Government of Uttar Pradesh, subsequently, by order dated 24.10.2024 issued instructions to initiate process for further investigation under Section 173(8) Cr.P.C., 1973, for sending the disputed document to Bhopal for verification in accordance with law, as a result of same, investigation (in previous first information report dated 7.4.2022) got delayed for two years.

18. Under Section 2 (24) of BNS, 2023 the term “offence” denotes a thing which is made punishable by BNS, 2023 or other law. Section 2(24) of BNS, 2023 is quoted hereinbelow:-

““offence”.—Except in the Chapters and sections mentioned in sub-clauses (a) and (b), the word “offence” means a thing made punishable by this Sanhita, but—

(a) in Chapter III and in the following sections, namely, sub-sections (2), (3), (4) and (5) of section 8, sections 9, 49, 50, 52, 54, 55, 56, 57, 58, 59, 60, 61, 119, 120, 123, sub-sections (7) and (8) of section 127, 222, 230, 231, 240, 248, 250, 251, 259, 260, 261, 262, 263, sub-sections (6) and (7) of section 308 and sub-section (2) of section 330, the word “offence” means a thing punishable under this Sanhita, or under any special law or local law; and

(b) in sub-section (1) of section 189, sections 211, 212, 238, 239, 249, 253 and sub-section (1) of section 329, the word “offence” shall have the same meaning when the act punishable under the special law or local law is punishable under such law with imprisonment for a term of six months or more, whether with or without fine;”

19. Once law declares a thing to be punishable under BNS, 2023 or any other law then same is treated as an offence under criminal law. Under section 4 of BNSS, 2023 it is mandated that all offences under BNS, 2023 shall be investigated, inquired into, tried and otherwise dealt with

according to provisions contained in BNSS, 2023. Further, section 6 of BNSS, 2023 envisages constitution of hierarchy of criminal courts namely (i) Courts of Session; (ii) Judicial Magistrate of First Class; (iii) Judicial Magistrates of Second class; (iv) Executive Magistrate. As per section 7 of BNSS, 2023, state is divided into session divisions and further section 9 of BNSS, 2023 provides that in every district there shall be established as many Courts of Judicial Magistrate of first class and of second class as the State government in consultation with the High Court by notification specify. Section 12 of BNSS, 2023, further provides that subject to control of High Court, the Chief Judicial Magistrate may from time to time define the local limits of area(s) within which the Magistrate appointed under section 9 or under section 11 of BNSS, 2023 may exercise all or any of powers with which they are respectively been vested under the BNSS, 2023.

20. The revisionist has preferred application under section 175(3) of BNSS, 2023 before the court concerned for direction of registering a first information report against opposite party no.2. The said provision envisages that any Magistrate empowered may order investigation referable to section 175(1) of BNSS, 2023. Section 175(1) of BNSS, 2023 refers to power of Officer in-Charge of police station to investigate cognizable offence, which a court having jurisdiction over the local area within limits of such station would have power to enquire into or try under the provisions of Chapter XIV of BNSS 2023. Section 175(1) of BNSS, 2023 is quoted herein below:-

“(1) Any officer in charge of a police station may, without the order of a Magistrate, investigate any

cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIV:

Provided that considering the nature and gravity of the offence, the Superintendent of Police may require the Deputy Superintendent of Police to investigate the case.”

21. The power under section 175(3) of BNSS, 2023 is akin to power under section 156(3) Cr.P.C. The said power of Magistrate under section 175(3) of BNSS, 2023 is qualified by the words “order such investigation as abovementioned” and, therefore, the power of court concerned under section 175(3) of BNSS, 2023 is limited to investigation permissible under section 175(1) of BNSS, 2023. In **Central Bureau of Investigation through S.P. Vs State of Rajasthan – 2001 (3) SCC 333** the Hon’ble Supreme Court in paragraph 6 has held that what is contained in sub-section (3) of Section 156, is the power to order investigation referred to in sub-section (1), because the words "order such an investigation as above-mentioned" in sub-section (3) are unmistakably clear as referring to the other sub-section.

22. It is further to be noted that jurisdiction under section 175(3) read with section 175(1) of BNSS, 2023 of court concerned is, therefore, confined to permissible limits prescribed under chapter XIV of BNSS, 2023. The jurisdiction of magistrate/court to try an offence is defined in chapter XIV of BNSS, 2023 and, therefore, power of magistrate/court under section 175(3) of BNSS, 2023 is exercisable in respect of offence which the Magistrate can try

as per chapter XIV of BNSS, 2023. Under section 175(3) of BNSS, 2023, the power of Magistrate is jurisdictionally anchored to Section 175(1)/Chapter XIV of BNSS, 2023 in terms that it cannot be used to compel an investigation, the local police could never have lawfully undertaken and cannot be directed at a police officer outside the Magistrate's own territorial jurisdiction. A Magistrate who could not himself try or commit the offence for want of territorial jurisdiction is, equally incompetent to set the investigative machinery of police in motion for an offence wholly outside that jurisdiction in terms of section 175 of BNSS, 2023 read with chapter XIV of BNSS, 2023.

23. In **Yashpal Vs State of U.P. and others: 2010:AHC:113134** this court in respect of territorial jurisdiction of Magistrate under section 156(3) Cr.P.C has held as under:-

“In the aforesaid case of Rasiklal (supra) no doubt the Apex Court has held that the question of territorial jurisdiction of the Magistrate is a matter when case is filed in the court. There is no justification to consider the question of territorial jurisdiction at the stage of investigation. But the position in this case is somehow different, the jurisdiction of the Magistrate to entertain the application u/s 156 (3) CrPC and passing of an appropriate order thereon is involved in this case. U/s 156 (3) CrPC only the Magistrate having jurisdiction to take cognizance u/s 190 has power to direct for police investigation. The Magistrate having no

territorial jurisdiction to inquire into or try an offence as contemplated in various sections incorporated in chapter XIII of CrPC, cannot be said to have power to take cognizance u/s 190 CrPC in regard to the offence or offences disclosed in the application moved u/s 156(3) CrPC. Therefore, while considering an application u/s 156 (3) the Magistrate is required to see whether he has jurisdiction under section 190 CrPC to take cognizance of the offence or offences disclosed in the application filed under section 156(3) CrPC, and if the answer is in negative, the power under section 156(3) CrPC cannot be invoked. Once an order under section 156(3) CrPC is passed the police cannot deny to make investigation on the ground that it has no power to investigate on account of lack of territorial jurisdiction and this is the principle what has been propounded in Rasiklal's case"

24. The term "offence" has also been defined under section 2(q) of BNSS, 2023 to mean any act or omission made punishable by any law for the time being in force. As per revisionist, opposite party no.2 being Cabinet Minister in State Government is alleged to have issued letter dated 16.7.2024 to Additional Chief Secretary, Home Department, Government of Uttar Pradesh, Lucknow. The aforesaid letter dated 16.7.2024 is annexed at page 131 of paper book. The aforesaid letter refers to application of Smt. Salbha Singhal (wife of opposite party no 3) whereby aforesaid Smt. Salbha

Singhal has requested for verification of signature on disputed will from a reputed organization. The said application of Smt. Salbha Singhal was addressed to Principal Secretary (Home). The aforesaid application of Smt. Salbha Singhal was forwarded by opposite party no.2 to Additional Chief Secretary, Home Department for necessary action in accordance with law. The extracts of abovementioned letter dated 16.7.2024 of opposite party no 2 is quoted herein below :-

सुरेश कुमार खन्ना

कार्यालय मुख्य भवन

कक्ष संख्या-84/85

मंत्री

दूरभाष (का०) 0522-2238061

वित्त एवं संसदीय कार्य विभाग

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दिनांक: 16-7-2024

अपर मुख्य सचिव, गृह विभाग।

कृपया श्रीमती शालभा सिंघल पत्नी श्री निर्विकार सिंघल, निवासिनी-40, पुष्पीप एन्कलेव, फेस-1, सिकन्दरा बोदला रोड, आगरा के संलग्न प्रार्थना पत्र का अवलोकन करने का कष्ट करें जिसके द्वारा इन्होंने सतर्कता अधिष्ठान, मेरठ सेक्टर, मेरठ द्वारा पंजीकृत अभियोग में नामित अपने पति के विरुद्ध विषयगत वसीयत पर वसीयतकर्ता द्वारा किये गये हस्ताक्षर की सत्यता की जाँच पुनः किसी प्रमाणिक संस्था से कराकर जांच एवं अभियोग समाप्त कराये जाने का अनुरोध किया है।

अतः आपसे अपेक्षा है कि संलग्न प्रार्थना-पत्र में वर्णित तथ्यों के दृष्टिगत प्रकरण में नियमानुसार आवश्यक कार्यवाही कराने का कष्ट करें।

संलग्नक: यथोपरि।

. ह०अपठनीय

.16.07.2024

25. It is alleged that opposite party no.2 by means of above-mentioned letter dated 16.7.2024 has interfered and delayed pending investigation. It is not in dispute that official correspondence/letter dated 16.7.2024 of opposite party no.2 was issued from Lucknow and was addressed to officer

of government department at Lucknow. As per counsel for revisionist, letter dated 16.7.2024 written by opposite party no.2 pertains to investigation being carried on against opposite party no.3 (in respect of previous first information report dated 7.4.2022 lodged at Meerut against opposite party no.3). However, the property in dispute (in previous first information report) is situated at Mathura.

26. As per revisionist, the alleged act of writing letter dated 16.7.2024 by opposite party no.2 (who is resident of Shahjanpur & is working at Lucknow) in respect of investigation arising out of first information report dated 7.4.2022 is pending at Meerut. Further, it is claimed by counsel for revisionist that alleged act of writing letter dated 16.7.2024 by opposite party no.2 has the effect that verification of signature on disputed will was taken to Forensic Science Laboratory, Bhopal and the same has resulted in delay and interference in investigation.

27. A perusal of application preferred under section 175 (3) of BNSS, 2023 would go to show that in aforesaid application it is not alleged by revisionist that offence has been committed by opposite party no.2 at Mathura. It is further to be seen that subject matter of previous first information report against opposite party no.3 is a property which is situated at Vrindawan, Mathura. However, aforesaid first information report dated 7.4.2022 constitute a separate offence in respect of which first information report has been lodged at Meerut. The allegation against opposite party no.2, (which is alleged to constitute a separate offence) is only to the effect that opposite party no.2 has interfered in investigation by writing letter dated 16.7.2024, (forwarding

the application preferred by wife of opposite party no.3 to the Government Officer at Lucknow to proceed in accordance with law).

28. The “offence” has been defined under section 2(q) of BNSS, 2023 to mean any act or omission made punishable by any law for the time being in force. The revisionist claiming interference by opposite party no.2 to previous investigation (which is pending at Meerut) as an act which is an offence.

29. On a pointed query being made by this court to learned counsel for revisionist as to the offence attracted against opposite party no.2 in respect of alleged act of opposite party no.2, learned counsel for revisionist has stated that opposite party no.2 has committed the offence under section 12, 13 of Prevention of Corruption Act, 1988 and Section 61 & 45 of BNS, 2023, in respect of his alleged act of writing letter dated 16.7.2024.

30. Learned counsel for revisionist has stated that although above-mentioned letter dated 16.7.2024 was written by opposite party no.2 at Lucknow and investigation & criminal prosecution in previous first information report dated 7.4.2022 (against opposite party no 3) was pending at Meerut, however, consequences of aforesaid act of opposite party no.2 ensues at District-Mathura in terms of section 199 of BNSS, 2023. Therefore, court at Mathura had jurisdiction to entertain the application of revisionist.

31. Learned Additional Advocate General for State and learned counsel for opposite party no.2 have taken a stand

that in fact no offence has been committed by opposite party no.2. Further, no consequences ensue at Mathura and, therefore, court of first instance committed no error in passing the impugned order.

32. A perusal of letter dated 16.7.2024 written by opposite party no.2 (at page 131 of paper book) would go to show that aforesaid letter was addressed to Additional Chief Secretary, Home Department. It is further not in dispute between parties that home department of Government of Uttar Pradesh is at Lucknow. Therefore, letter was written at Lucknow by opposite party no.2 and was sent to an office of Government at Lucknow.

33. Learned counsel for revisionist has submitted that even though abovementioned letter dated 16.7.2024 was written at Lucknow and addressed to home department at Lucknow, however, the consequences of aforesaid letter of opposite party no.2 is interference and delay in investigation in previous first information report.

34. Learned counsel for revisionist has relied upon section 199 of BNSS, 2023 to confer jurisdiction before court at Mathura. Section 199 of BNSS, 2023 is quoted herein below :-

“199. Offence triable where act is done or consequence ensues.—When an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local

jurisdiction such thing has been done or such consequence has ensued.”

35. For applying Section 199 BNSS,2023, the following elements are required to be established:

- a) An act has been committed. There must be a positive act or omission forming part of the alleged offence.
- b) The act constitutes an offence because of something done.
- c) A consequence has ensued.

36. The above section contemplates that where two courts are having jurisdiction, the trial is permitted to take place in any one of those two courts. One is the court within whose local jurisdiction the act/offence has been done and the other is the court within whose local jurisdiction the consequence has ensued.

37. In the present case, offending letter dated 16.7.2024 (of opposite party no.2), is being termed as interference in previous investigation. Learned counsel for revisionist has not disputed the fact that above-mentioned letter dated 16.7.2024 of opposite party no.2 was written at Lucknow. However, as per learned counsel for revisionist the consequences of aforesaid letter dated 16.7.2024 ensues at Mathura on account of fact that the property in dispute (in the previous first information report) is situated at Mathura. The allegation in previous first information report dated 7.4.2022 against opposite party no.3 is to the effect that the disputed property has been recorded in the name of father of opposite party no.3 on the basis of forged will. It is also not in dispute between the parties that investigation in

respect of previous first information report dated 7.4.2022 is at Meerut and criminal prosecution is also going on at Meerut.

38. The applicability of section 199 of BNSS, 2023 would depend upon facts and circumstances of each case. The consequences ensued from an act (offence) would depend upon nature of offence alleged to have been committed by accused. As per section 199 of BNSS, 2023 when act is an offence by reason of anything which has been done and the consequences which has ensued then both the thing done/act and the consequences is to be part and parcel of the offence. The use of word “and” between expression “anything which has been done” & “of consequences which has ensued” is indicative that the thing done and consequences ensued be part of offence. Therefore, consequence must be a part and parcel of offence, meaning thereby it must complete the definition of alleged offence as required under the law. For example-if A is wounded within the local-limits of the jurisdiction of Court X and dies within the local limits of the jurisdiction of Court Z. The offence of culpable homicide of A may be enquired into or tried either by X or Z. The ensuing consequences must ordinarily be a legally relevant consequence forming part of or connected with, the alleged offence. A merely remote, incidental, or purely collateral consequence will not ordinarily confer territorial jurisdiction. The “consequence” must form part of offence or be material to accused’s criminal liability in relation to that offence. If an accused commits an offence in place A and the victim later experiences anxiety, loss of employment, or social difficulty at place B, those effects will not automatically confer jurisdiction to court at place B.

39. In this respect, the Full bench of this Court in **Kashi Ram Mehta Vs Emperor, AIR 1934 All 499** in respect of section 179 of Cr. P.C (which is para materia law) has observed as under:-

“8. But the main question for our consideration is not whether if Section 179 applies, it has been overridden by Section 181, Sub-section (1), but whether Section 179 at all applies to this case. The expression "of any consequence which has ensued" in that section obviously means 'by reason of any consequence etc.'" The repetition of the word "of" leaves no doubt that the prepositional phrase "by reason of" governs "consequence" as well. In this view the section can have only one meaning, namely, that the commission of the offence must be "by reason of anything which has been done and by reason of any consequence which has ensued." Another noteworthy fact is that the word "and" has been used instead of the word "or". Indeed, if the doing of anything were in itself sufficient to constitute the offence contemplated in this section, there would have been no occasion to use the expression of any consequence which has ensued" at the place at which it occurs; it would have been quite sufficient to mention it at the end of the section where it is already mentioned. If therefore the act done and the consequence which has ensued are to be taken as together amounting to the offence, the commission of which is complained against, then it necessarily follows that the consequence must be a necessary ingredient of the offence in order that Section 179 be applicable. If the offence is complete

in itself by reason of the act having been done and the consequence is a mere result of it which was not essential for the completion of the offence, then Section 179 would not be applicable. The illustrations to the section also make it clear that the consequence contemplated in the section is a consequence which coupled with the act done constitutes the offence. But if the two can be separated and the act itself is sufficient to constitute the offence, it would make the section inapplicable.”

40. For consideration of jurisdictional issue arising in terms of section 199 of BNSS, 2023, in the present case, it is imperative to examine the nature of offence attracted from alleged act of opposite party no.2 and consequences ensued as the alleged act and consequences must have direct nexus as discussed herein above. Learned counsel for revisionist has submitted that act of opposite no.2 of writing letter dated 16.7.2024 is also an offence under section 13(2) of Prevention of Corruption Act, 1988 and consequences is delay in investigation/interference in investigation. For determination of consequences of alleged act of opposite party no.2, it is imperative to examine whether the alleged act of opposite party no.2 (of writing the letter dated 16.7.2024) would attract section 13(2) of Prevention of Corruption Act so that determination of consequences ensued be made. In this respect Section 13 of Prevention of Corruption Act, 1988 is quoted herein below:-

*“13. Criminal misconduct by a public servant.
— (1) A public servant is said to commit the offence of criminal misconduct,—*

- (a) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control as a public servant or allows any other person so to do; or*
- (b) if he intentionally enriches himself illicitly during the period of his office.*

Explanation 1.—A person shall be presumed to have intentionally enriched himself illicitly if he or any person on his behalf, is in possession of or has, at any time during the period of his office, been in possession of pecuniary resources or property disproportionate to his known sources of income which the public servant cannot satisfactorily account for.

Explanation 2.—The expression “known sources of income” means income received from any lawful sources.

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than four years but which may extend to ten years and shall also be liable to fine.”

41. In the present case, revisionist preferred an application under section 175 (3) of BNSS, 2023 against opposite party no.2 with the allegation that opposite party no.2 has written letter dated 16.7.2024 that has resulted in interference and delay in investigation in previous first information report. The aforesaid letter of opposite party no.2 is in reference to previous investigation arising out of

first information report dated 7.4.2022 wherein allegation arisen against opposite party no.3 regarding property in dispute.

42. The application of revisionist under section 175 (3) of BNSS, 2023 before the court concerned does not allege that opposite party no.2 has dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or any property under his control as a public servant or allows any other person so to do. Further, said application of revisionist before court of first instance also does not allege that opposite party no.2 intentionally enriches himself illicitly during the period of his office. The allegation is of delay and interference in pending investigation arising out of first information report dated 7.4.2022 by act of opposite party no.2 of writing letter dated 16.7.2024.

43. The allegation of misappropriation or misuse of office in respect of property in dispute is against opposite party no.3 (arising out of First information report dated 7.4.2022 and not in the present case). It is not shown by learned counsel for revisionist that in previous first information report dated 7.4.2022, opposite party no 2 is an accused. It is when investigation of previous first information report dated 7.4.2022 was going on (ie after the alleged commission of offence by opposite party no.3 as alleged in the previous first information report dated 7.4.2022) it is alleged that opposite party no.2 is said to have written abovementioned letter dated 16.7.2024 to the Additional Chief Secretary, Home Department at Lucknow, (forwarding the application of wife of opposite party no.3 for consideration in accordance

with law). The request for re-examination of disputed will (in respect of property in dispute in previous first information report) by reputed institution. The aforesaid allegation by no stretch of imagination can be said to constitute an offence under section 13(2) of prevention of corruption act, 1988.

44. The consequence which ensues as per learned counsel for revisionist is the delay and interference in the investigation of previous first information report dated 7.4.2022. Such allegation (of delay and interference in investigation) cannot be construed as a consequence of alleged act of opposite party no.2 being part of offence under section 13 of Prevention of Corruption Act, 1988, in terms of section 199 of BNSS, 2023. As observed hereinabove, consequences must be part & parcel of alleged offence and must complete the definition of alleged offence. Therefore, alleged consequences (of delay and interference in investigation) has no direct nexus or ensuing consequences of offence under section 13 of Prevention of Corruption act, 1988. In view of above, once there is no offence as detailed hereinabove and no consequences ensued then question of jurisdiction arising from offence under section 13 (2) of Prevention of Corruption Act, 1988 does not arise at Mathura. Similarly, section 12 of Prevention of Corruption Act, 1988 would not arise against opposite party no.2 in the facts and circumstances of the case as there is no allegation of abetment of offence under Prevention of Corruption Act, 1988 against opposite party no.2.

45. Even otherwise, consequence of delay and interference in investigation as a result of abovementioned letter dated 16.7.2024 is not an act/offence connected in any manner

with any offence under Prevention of Corruption Act, 1988. More particularly, when there is no allegation of corruption against opposite party no.2 in application filed under section 175(3) of BNSS, 2023. It is settled law that criminal machinery cannot be set on motion on basis of suspicion but is required to be based on foundational facts and material which constitute an offence. In view of aforesaid, no offence and/or consequences ensued under the Prevention of Corruption act, 1988 which can be said to have been ensued within the jurisdiction of court concerned at Mathura.

46. Learned counsel for revisionist has further referred to section 61 of BNS, 2023 to submit that alleged act of opposite party no.2 is an offence under section 61 of BNS, 2023. It is further stated that consequences ensue are delay and interference in investigation in respect of previous first information report. The question of jurisdiction under section 199 of BNSS, 2023 is based on determination of offence made out and the consequences ensued. The allegation against opposite party no 2 is that letter dated 16.7.2024 by opposite party no 2 amounts to interference and delay in investigation against opposite party no 3 arising out of first information report dated 7.4.2022. The aforesaid act of opposite party no 2 is being termed as an offence under section 61 of BNS, 2023.

47. The question is whether writing of letter dated 16.7.2024 by opposite party no.2 would amount to an offence under section 61 of BNS, 2023 so that its consequences (of delay and interference in investigation) ensued would confer jurisdiction to court at Mathura. As per the revisionist, the act of writing letter dated 16.7.2024 by

opposite party no.2 is an illegal act of interference in an investigation. A perusal of above mentioned letter dated 16.7.2024 of opposite party No.2 would go to show that opposite party no.2 by aforesaid letter addressed to Additional Chief Secretary, Home Department, Lucknow has referred to letter of Mrs. Shalbha Singhal (addressed to Chief Secretary, Home Department, Government of Uttar Pradesh, Lucknow (annexed at page 132 of paper book) whereby she has sought verification of signature on disputed document from any credible agency or institution and the opposite party no.2 has only forwarded & requested for taking action in accordance with law by concerned department. A perusal of said letter dated 16.7.2024 would show that aforesaid letter of opposite party no.2 is not issued to investigating agencies (which is at Meerut) but is send to Home Department of Government of Uttar Pradesh at Lucknow where representation/application dated 18.2.2024 of wife of opposite party no.3 was already pending.

48. It is further to be noted that Under-Secretary, Government of Uttar Pradesh in his letter dated 24.10.2024 has referred to letter dated 16.7.2024 of opposite party no.2 and annexed representation dated 18.2.2024 & 23.7.2024 (representation dated 23.7.2024 of opposite party no.3 does not form part of letter dated 16.7.2024 of opposite party no.2 as the same is written after letter dated 16.7.2024). In pursuance of abovementioned representation of wife of opposite party no.3 & that of opposite party no.3, the Under Secretary has directed by letter dated 24.10.2024 addressed to Director, Uttar Pradesh Vigilance Department, Lucknow for further investigation in terms of section 173(8) of Cr.P.C. for verification of disputed document (arising out of previous

first information report dated 7.4.2022 against opposite party no.3) by Central Forensic Science Laboratory.

49. Learned Counsel for opposite party no.2 has stated that in previous first information report dated 7.4.2022, investigating agency after completion of investigation has submitted chargesheet on 4.10.2024 before the court concerned at Meerut and cognizance & summoning order (against opposite party no.3) has been passed by court concerned on 7.10.2024 at Meerut. The aforesaid fact is not disputed by learned counsel for revisionist before this court.

50. The letter dated 24.10.2024 by State Government (Home Department) for further investigation has been issued after the submission of chargesheet by investigating agency before the court concerned at Meerut (in previous first information report) and after cognizance being taken by court concerned at Meerut on 7.10.2024. Therefore, in such circumstances it cannot be said that opposite party no.2 has interfered or delayed investigation of previous first information report dated 7.4.2022.

51. Even otherwise, letter dated 24.10.2024 of State Government only refers to section 173(8) Cr.P.C for further investigation by sending the disputed document to Central Forensic Science Laboratory for verification of signature on disputed document. It is not in dispute that during investigation the disputed document was examined by Forensic Science Laboratory, Agra and as per learned counsel for revisionist, aforesaid report of Forensic Science Laboratory, Agra was against opposite party no.3. Prior to issuance of letter dated 24.10.2024 by State Government,

the chargesheet has been submitted in the previous investigation on 4.10.2024 and the court concerned has taken cognizance on 7.10.2024 itself. Further, Smt. Salbha Singhal (wife of opposite party no.3) has submitted her letter dated 18.2.2024 before Chief Secretary (Home), Government of Uttar Pradesh, Lucknow and not to opposite party no.2. The opposite party no.2 has only forwarded the letter of Smt. Salbha Singhal to concerned department for action in accordance with law. It is further the admitted position that after investigation in previous first information report dated 7.4.2022, the chargesheet has been submitted by investigating agency on 4.10.2024 and court concerned has taken cognizance on 7.10.2024 at Meerut.

52. It is further to be noted that further investigation in a criminal case is a statutory procedure prescribed by law, the invocation of aforesaid statutory procedure by State Government or its agency by itself cannot amount to interference in investigation. Further, it is not shown by learned counsel for revisionist that order dated 24.10.2024 has been held to be illegal or against law by any court of law. It is a settled law that there is presumption of official acts to have been regularly performed and initial burden ordinarily lies on person challenging the order.

53. Section 199 of BNSS, 2023 applies where an act becomes an offence by reason of both something that has been done and a consequence that has ensued. In such a case, offence may be inquired into or tried by a Court within whose local jurisdiction either the relevant act was done or the consequence ensued. In the present case, the alleged offence is criminal conspiracy under Section 61 of the

Bharatiya Nyaya Sanhita, 2023. Section 61 requires an agreement between two or more persons to do, or cause to be done, an illegal act or an act which is not illegal by illegal means. The material relied upon against opposite party no.2 is the letter dated 16.07.2024 of opposite party no 2, whereby the request/representation made by wife of opposite party no.3 was merely forwarded to concerned department for appropriate action in accordance with law. The alleged decision-making authority in relation to further investigation was a different department of Government. Consequently, forwarding of representation cannot, by itself, be treated as interference with investigation being conducted at Meerut.

54. It is further to be noted that opposite party no.2 is an elected representative and, therefore, citizens may approach an elected representative for redressal of their grievances. An elected representative may, in turn, forward such grievance to competent department for consideration and action in accordance with law. Mere forwarding of a citizen's grievance, (in the absence of any positive or coercive direction in favour of the person making the representation), does not disclose an agreement to commit an illegal act or to procure an illegal result. In the present case, letter dated 16.07.2024 contains no positive direction, command, or instruction to delay, obstruct, or otherwise interfere with investigation. It only recommends or requests that action be taken in accordance with law. Thus, said letter dated 16.7.2024 and act of opposite party no.2 does not disclose the essential ingredients of criminal conspiracy under Section 61 BNS, 2023.

55. In view of above, letter dated 16.07.2024, being a mere forwarding of a representation for action in accordance with law, does not disclose any agreement to commit an illegal act or to employ illegal means. Therefore, does not constitute an offence under Section 61 BNS, 2023 and, as a result, no consequences can be said to have ensued from the alleged act in respect to Section 61 of BNS, 2023. Further, investigation was conducted at Meerut & not at Mathura, and no consequence constituting alleged offence ensued at Mathura. Section 199 of BNSS, 2023 is consequently, not attracted, since neither alleged criminal act nor any legally relevant consequence of such act occurred within territorial jurisdiction of court at Mathura. The fact that representation was acted upon only after submission of charge-sheet and taking of cognizance further negatives any allegation of delay or interference with investigation.

56. Learned counsel for revisionist has further relied upon Sections 45 and 49 of Bharatiya Nyaya Sanhita, 2023, alleging that act of opposite party no.2 constitutes abetment. Section 45 of BNS, 2023 deals with abetment, while Section 49 prescribes punishment where act abetted is committed in consequence of abetment. The question, therefore, is whether the letter dated 16.07.2024 amounts to abetment of any offence and, if so, whether any offence or legally relevant consequence ensued within territorial jurisdiction of Mathura.

57. The allegation against opposite party no.2 is confined to forwarding to the Home Department the representation submitted by wife of opposite party no.3, requesting further investigation in earlier First Information Report. The

representation sought verification of disputed signature through a reputed laboratory. Such a request is referable to statutory power of further investigation under Section 173(8) BNSS, 2023 and statutory provision permits further investigation in accordance with law. The exercise of a statutory power of further investigation cannot, by itself, constitute an offence under BNS, 2023 nor can forwarding of a request for such lawful action amount to instigation, intentional aid, or conspiracy, particularly when letter dated 16.07.2024 of opposite party no.2 merely requested the competent department to take action in accordance with law and contained no positive or unlawful direction. Mere fact that representation or subsequent correspondence is indirectly & remotely related to property at Mathura does not establish that any offence under Sections 45 or 49 BNS, or any legally relevant consequence thereof, ensued at Mathura. Further, consequences of alleged act of opposite party no.2 (of forwarding representation of wife of opposite party no 3) and consequent exercise of statutory power of further investigation by department in terms of letter dated 24.10.2024 after cognizance has been taken by court concerned at Meerut on 7.10.2024 does not amount that any consequences of alleged act has taken place at Mathura.

58. Learned counsel for revisionist has further relied upon section 60 of BNS, 2023 as an offence committed by opposite party no.2. Section 60 of BNS, 2023 refers to person whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows

to be false respecting such design is made punishable. In the present case, there is no allegation about facilitation of commission of any offence punishable with imprisonment, by writing the letter dated 16.7.2024. It is also not the case that there is any concealment by opposite party no.2 or the existence of any design to commit an offence or make any false representation with regard to such design for commission of offence. Once the thing done and its consequences are not offence, then section 199 BNSS, 2023 would not be attracted in the facts and circumstances of the case and because of same no consequences of alleged act of opposite party no.2 ensued at Mathura.

59. It is further to be noted that even assuming that the alleged act of opposite party no.2 of writing letter dated 16.7.2024 is an offence and as per counsel for revisionist, the consequences ensued are interference in investigation and delay in investigation arising out of previous first information report dated 7.4.2022 lodged at Meerut against opposite party no.3. It is further not in dispute that investigation in previous first information report was being held at Meerut. The consequences ensued as per the revisionist is the delay & interference in investigation which was pending at Meerut. The submission of learned counsel for revisionist that previous first information report lodged at Meerut is in respect of property situated at Mathura and, on the aforesaid basis, it has been stated that consequences in respect of act of opposite party no.2 also ensued at Mathura is not only remote & has no direct nexus with alleged act of opposite party no.2 so as to constitute consequences ensued in terms of section 199 of BNSS, 2023. It is also not in dispute that in previous investigation, the signature of

disputed document was examined by the Forensic Science Laboratory, Agra and not at Mathura.

60. The alleged consequences ensuing by way of delayed investigation as well as interference in investigation even otherwise is relatable to Meerut as investigation was pending at Meerut. It is further to be noted that letter dated 16.7.2024 of opposite party no.2 does not direct further investigation by sending the disputed signature to Central Forensic Science Laboratory. It is the letter dated 24.10.2024 which directs that further investigation be held in accordance with law. The aforesaid letter dated 24.10.2024 is not written by opposite party no.2. Therefore, the act of opposite party no.2 of writing the letter dated 16.7.2024 at the best would have consequences of issuance of letter dated 24.10.2024 being written by concerned department of the State Government at Lucknow.

61. It is further to be noted that further investigation in previous first information report is the result of letter dated 24.10.2024 which was not been written by opposite party no.2 and, therefore, alleged delay/interference in investigation cannot be construed to have a direct nexus with the act of opposite party no.2, as the letter dated 24.10.2024 has been issued on the basis of representation submitted by wife of opposite party no.3. The situation of property in dispute at Mathura will be of no good as no consequences of act of opposite party no.2 can be said to have been ensued at Mathura. Further, the property in dispute at Mathura is subject matter of previous first information report dated 7.4.2022 at Meerut. However, the alleged act of opposite party no.2 has no direct nexus with

the property at Mathura. Further, in previous first information report dated 7.4.2022, charge sheet was already submitted and court concerned at Meerut has taken cognizance on 7.10.2024 (i.e prior to issuance of letter dated 24.10.2024 directing further investigation).

62. In view of aforesaid, trial court committed no error in rejecting the application of petitioner under section 175 (3) of BNSS, 2023 by impugned order dated 6.6.2025 and as such calls for no interference of this court in exercise of revisional jurisdiction. Accordingly, the present criminal revision lacks merit and is hereby dismissed.

(Vikram D. Chauhan,J.)

September 3, 2026

Bhaskar