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# State Of Arunachal Pradesh Ought To Have Been Happy Getting Rid Of An Unnecessary Criminal Case:" SC While Quashing FIR In 'Civil' Dispute

By Riya Rathore | 20 Apr 2024 7:45 PM



The Supreme Court quashed an FIR observing that the dispute was civil in nature.

**Justice Vikram Nath** and **Justice K.V. Viswanathan** observed, *"It is also important to note that after the Gauhati High Court had dismissed the Criminal Petition No. 110/2021 chargesheet was filed and we have considered the same. We have found the dispute to be of a civil nature and have quashed the FIR Case No. 227/2017. Hence, in exercise of the power under Article 136 of the Constitution of India we are not inclined to disturb the findings in favour of Dattaran Agarwal in SB Criminal Writ Petition No. 989/2022 by Rajasthan High*



t."



**Advocates Siddhartha Dave and Liz Mathew** represented the appellant,



**AOR Shree Pal Singh** appeared for the respondents.



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A transaction of Rs.1 crore for the purchase of land/building was made in Jaipur, Rajasthan. An FIR was filed under Sections 420, 120B and 34 of the IPC where the accused had contended that the amount was transferred as a loan and not for the purchase of property.

The issue arose when petitions were filed in both the Gauhati High Court and the Rajasthan High Court, challenging the validity of the FIR and subsequent proceedings. The Rajasthan High Court quashed the proceedings citing lack of territorial jurisdiction in Arunachal Pradesh, where the FIR was registered.

The Supreme Court first pointed out that the matter was purely civil in nature, as no written document was executed to indicate whether the money advanced was intended as a loan, an advance payment for the transfer of property, or otherwise. Moreover, it lacked elements of a cognizable offence.

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Secondly, while no offence was deemed to have arisen, the Arunachal Pradesh High Court lacked territorial jurisdiction, whereas the Rajasthan High Court possessed jurisdiction, given that the complaint was filed in Rajasthan.

*"Normally, in a given case where issue is of territorial jurisdiction we could have directed to transfer the investigation or the trial to the State where the cause of action would lie but in the present case, we find that no offence as such*

*de out,"* the Court remarked.



Accordingly, the Supreme Court allowed the appeal.

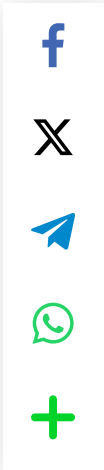
**Case Title: The State Of Arunachal Pradesh v. Kamal Agarwal & Ors.**  
**Central Citation: 2024 INSC 317)**

**Appearance:**

**Appellant:** Sr. Advocates Siddhartha Dave and Liz Mathew; AOR Navneet R. and Abhimanyu Tewari; Advocates Prastut Dalvi, Mallika Agarwal, Mohit Khandelwal and Eliza Bar

**Respondents:** AOR Shree Pal Singh, Milind Kumar and Anuj Bhandari; Advocates Sanya Kaushal, Akansha Kaul, Vishal Meghwal, Rajat Gupta and Yuvraj Singh Rajawat

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# Riya Rathore

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