

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT
SRINAGAR

Pronounced on:13.05.2026

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CRM(M) No.536/2023

c/w

CRM(M) No.35/2024

MUDASIR AHMAD WANI & ORS.

...PETITIONER(S)

Through: - Mr. Bilal Ahmad Malla, Advocate.

Vs.

SHO & ORS.

...RESPONDENT(S)

Through: - Mr. Hakim Aman Ali, Dy. AG-for official respondents.
Mr. M. Ashraf Wani, Adv-for private respondents.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER(ORAL)

CRM(M) No.536/2023

1) The petitioners through the medium of present petition have challenged FIR No.19/2023 registered with Police Station, Women Cell, Anantnag, alleging commission of offences under Section 498-A and 506 of IPC and Section 4 of Dowry Prohibition Act.

2) As per the allegations made in the impugned FIR, complainant/respondent No.3 lodged a report with P/S Women's Cell, Anantnag, on 01.08.2023. In the report it was alleged that she is a resident of Yaripora and she had

entered into wedlock with petitioner No.1-Mudasir Ahmad Wani on 6th/7th August, 2022 as per Muslim Personal Law. After a few days of her marriage, her husband Mudasir Ahmad Wani, her brother-in-law Mohammad Ashraf, her mother-in-law Saja Begum, her sister-in-law Shahzada, started to harass her. They were taunting the petitioner in connection with dowry demands. It was further alleged that in the evening of each day, the petitioners would enter her room and search her boxes, whereafter they would taunt her for not bringing any dowry from her parental home. In order to save herself from harassment, the complainant obtained a sum of Rs.50,000/ from her father which she handed over to her husband as dowry. The said amount was transferred into the account of petitioner No.1 on 22nd August, 2022. She further alleged that besides this, she also delivered dowry to the petitioners in the shape of gents and ladies' suits, 12 copper plates, ten decorated copper utensils, one Samavar, and one big size and one small size Sarposh (copper cloche). It was further alleged that the petitioners were not satisfied with the aforesaid items of dowry and after about one month, they again started harassing and beating up the complainant. It is alleged that because the complainant was pregnant at that time, therefore, she went on bear the torture and harassment

meted out to her. The petitioners again started making demand of cash and kind from the complainant and in December, 2022, petitioner No.1 told the complainant that he has got her photographs in company of another boy in his mobile cell phone but when the complainant asked him to show the photographs, petitioner No.1 refused to do so. Thereafter her brother-in-law along with her sister-in-law and mother-in-law as also her husband gave a beating to her and she was thrown out of her matrimonial house. She was asked to terminate her pregnancy and during the period of her pregnancy, the petitioners did not take care of her. It was further averred in the report that in the month of June, she delivered a child but the petitioners did not take any care of her.

3) Besides submitting the aforesaid report before the police, the complainant further made a statement before the police that at the time when she was thrown out of her matrimonial house, which is situated at Reban Shopian, the petitioners threatened to kill her. She further stated that she tried to negotiate a settlement with the petitioners but all her efforts failed which prompted her to lodge the report with the police.

4) The petitioners have challenged the impugned FIR by pleading that respondent No.3 was an unchaste wife who

was having a relationship with another person even after her marriage with petitioner No.1. It has been pleaded that petitioner No.1 brought these facts to the notice of his father-in-law who assured that action would be taken but nothing was done in the matter. It has been further submitted that respondent No.3-complainant felt ashamed about the whole episode and she voluntarily left her matrimonial home and took away the valuable items including the golden ornaments from the house of the petitioners and started living with her parents at Yaripora Kulgam, whereafter the matter was referred to Markaz-ul-Ifta Jamiat-e-Ahli-Hadees situated at Barbar Shah, Srinagar. Markaz-ul-Ifta headed by Mufti Mohammad Yaqoob Baba Al-Madni framed a report, according to which the marriage was annulled and maintenance of Rs.3,000 (rupees three thousand) was fixed for the child in the womb of respondent No.3. It was further provided that petitioner No.1 will bear the expenses of respondent No.3 at the time of delivery of child. It has been submitted that the divorce was signed by the parties on 01.06.2023 in presence of the relatives.

5) It has been contended that Police Station, Women Cell, Anantnag, does not have territorial jurisdiction to entertain the application of respondent No.3 for registration

of the FIR because the alleged acts have taken place at Reban Shopian in the house of petitioners which is situated beyond the territorial limits of Police Station, Women Cell, Anantnag. It has been further contended that respondent No.3 has filed a petition under Section 125 of the Cr. P. C and another petition under Protection of Women from Domestic Violence Act (for short “the DV Act”) against the petitioners and besides this, she has also filed a criminal complaint against petitioner No.1 before the Court of learned Chief Judicial Magistrate, Shopian, alleging commission of offences under Section 424 and 506 of IPC and, thus, respondent No.3 has misused the process of law. On these grounds, it has been contended that the impugned FIR deserves to be quashed.

6) I have heard learned counsel for the parties and perused record of the case.

7) The first contention that has been raised by learned counsel for the petitioners for impugning the FIR is that Police Station, Women Cell, Anantnag, did not have jurisdiction to register the FIR on the basis of the complaint lodged by respondent No.3 as the alleged acts, as per case of respondent No.3, had taken place in her matrimonial house which is located at Reban Shopian.

8) The aforesaid argument raised by learned counsel for the petitioners is wholly misconceived because the consequence of the acts of cruelty committed at matrimonial home would be felt by a victim at her parental home or at any other place where she has taken shelter after leaving her matrimonial home. As per Section 179 of the Cr. P. C, 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.

9) Thus, an offence of matrimonial cruelty can be inquired into or tried by a Court within whose local jurisdiction cruelty has been done on the victim or where she takes shelter after being thrown out of the matrimonial home. The aforesaid legal position has been settled by the Supreme Court in this regard in the case of **Rupali Devi v. State of Uttar Pradesh**, 2019 SCC OnLine SC 493, wherein it has been held that a woman driven out of her matrimonial home can file a case under Section 498-A of IPC from the place she has taken shelter.

10) In the instant case, as per the allegations made in the impugned FIR, respondent No.3 has taken shelter in her

parental house situated at Yaripora District Kulgam which falls within the territorial jurisdiction of Police Station, Women Cell, Anantnag. Therefore, even if the alleged acts of matrimonial cruelty have been committed by the petitioners in District Shopian, which is beyond the territorial limits of Police Station, Women Cell, Anantnag, still then it is open to the said Police Station to register an FIR and undertake investigation.

11) On merits, it is the contention of the petitioners that respondent No.3 has misused the process of law by lodging the impugned FIR as she has already been divorced and that she has resorted to multiple proceedings against the petitioners. In this regard it is to be noted that the issue as to whether petitioner No.1 has dissolved his marriage with respondent No.3 is a matter which is to be investigated by the investigating agency and even if it is assumed that marriage of petitioner No.1 and respondent No.3 has been dissolved, still then the alleged acts have been committed by the petitioners at a time when the marriage between petitioner No.1 and respondent No.3 was subsisting. Therefore, the argument of learned counsel for the petitioners in this regard is without any substance.

12) Filing of proceedings by a deserted wife to get monetary relief from her husband is her right and the scope of those proceedings is entirely different from the scope of lodging a criminal proceeding. While the proceedings under Section 125 of Cr. P. C and the DV Act are aimed at providing maintenance to a deserted wife and to prevent further acts of domestic violence against her, the object of lodging an FIR is to punish the erring husband and his relatives for the criminal acts which they have perpetrated upon the victim wife. Therefore, merely because respondent No.3 has resorted to proceedings under Section 125 of Criminal Procedure Code and the DV Act against the petitioners, would not justify the conclusion that she has misused the process of law.

13) That takes us to the allegations made in the impugned FIR. The said allegations, as already narrated, are specific in nature, inasmuch as dates/months of the alleged acts of matrimonial cruelty committed by the petitioners upon respondent No.3 have been specifically catalogued in the complaint. The role of each of the petitioners is described in the FIR and even the particulars of the dowry items are specifically mentioned therein. Therefore, it is not a case where the allegations made in the impugned FIR are of general nature but it is a case where

the same are specific and detailed in nature, which clearly disclose commission of cognizable offences against the petitioners. Quashing of such an FIR would amount to scuttling a genuine prosecution, which is impermissible in law.

14) For what has been discussed hereinbefore, I do not find any ground to quash the impugned FIR and the proceedings emanating therefrom against the petitioners. Accordingly, the petition is dismissed being devoid of merit. Interim direction, if any shall stand vacated.

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The Registry is directed to summon the record relating to the complaint titled “**Malik Masarat vs. Mudasir Ahmad Wani**” decided on 19.12.2023 from the Court of learned Chief Judication Magistrate, Shopian.

The petition be delinked and listed separately on **06.07.2026**. Interim direction, if any, shall continue.

(Sanjay Dhar)
Judge

SRINAGAR
13.05.2026

“Bhat Altaf-Secretary”

Whether the Order is speaking:	YES
Whether the Order is reportable:	YES/NO