

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-28837-2015
Date of decision: 18.9.2015**

Rishi Pal and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr. Rakesh Dhiman, Advocate for
Mr. Virender Soni, Advocate for the petitioners.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioners seek quashing of impugned FIR No.240 dated 20.5.2015 registered under Sections 498-A, 406, 506 and 34 of the Indian Penal Code ('IPC' for short), at Police Station Civil Lines, Rohtak, by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.'), by invoking the inherent jurisdiction of this Court.

Learned counsel for the petitioners have raised only one argument that the police of Police Station Civil Lines, Rohtak will have no jurisdiction in the present case and in fact the impugned FIR could not have been registered at Rohtak due to lack of territorial jurisdiction. In support of his arguments, learned counsel for the petitioners submits that no offence was committed at Rohtak, nor the offences alleged against the petitioners were continuing in nature. He would next contend that the only fact that marriage was solemnized at Rohtak will not grant territorial jurisdiction for registration of the FIR, because complainant-respondent No.2 after her

marriage, had been staying with her husband at Mumbai. Matrimonial home of the respondent-complainant was at Patiala. In support of his contentions, learned counsel for the petitioners places reliance on the judgments of the Hon'ble Supreme Court in **Y. Abraham Ajith and others v. Inspector of Police, Chennai and another, 2004 (8) SCC 100, Manish Ratan and others v. State of M.P. and another, 2007(1) SCC 262 and Bhura Ram and othes v. State of Rajasthan and another, 2008(11) SCC 103.** He prays for setting aside the impugned FIR, by allowing the present petition.

Having heard the learned counsel for the petitioners at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that instant one has not been found to be a fit case, warranting interference at the hands of this Court, while exercising its inherent jurisdiction under Section 482 Cr.P.C. To say so, reasons are more than one, which are being recorded hereinafter.

It is a matter of record and not in dispute that marriage between complainant-respondent No.2 and Sanjeev Kumar, son of the petitioners, was solemnized on 17.2.2014 at Rohtak. All the dowry articles were entrusted to the petitioners at Rohtak itself. Further, a bare perusal of the impugned FIR would show that in the month of March 2014, Sanjiv Kumar-husband of complainant/respondent No.2 came at Rohtak. After consuming liquor, he said that he was already married but had to perform the marriage with the complainant only because of undue pressure put on him by the petitioners and other family members. He also raised a demand of Rs.20 lacs using foul language. This incident took place on 17.3.2014 at Rohtak.

Having said that, this Court feels no hesitation to conclude that since some of the offences, out of the offences alleged against the petitioners, were committed at Rohtak as well, FIR was rightly got registered by complainant-respondent No.2 at Police Station Civil Lines, Rohtak.

After having been turned out from matrimonial home, the complainant-respondent was living with her parents at Rohtak. Sanjeev Kumar, son of the petitioners and husband of the complainant, at the instigation of the petitioners, kept on causing mental harassment to the complainant on telephone, calling her at odd hours during night and for a long period by using rude language. Thus, offences alleged against the petitioners have been found to be continuing in nature. It is so said, because harassment caused by the petitioners and their son to the complainant at her matrimonial home at Mumbai, Patiala and Ismilabad, District Kurukshetra, were still continuing in the shape of mental torture, which she had been undergoing, while staying with her parents at Rohtak. In such a situation, it can be safely concluded that the police of Police Station Civil Lines, Rohtak as well as the courts at Rohtak will have jurisdiction to investigate and try the case.

Coming to the judgments relied upon by the learned counsel for the petitioners, there is no dispute about the law laid down therein. However, on close perusal of the cited judgments, none of them has been found of any help to the petitioners, being distinguishable on facts. Further, it is the settled principle of law that peculiar facts of each case are to be examined, considered and appreciated first, before applying any codified or judgemade law thereto. Sometimes, difference of one circumstance or

additional fact can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others**, 2002 (3) SCC 533

Once it has gone undisputed on record that some of the offences were committed at Rohtak, Mumbai, Patiala and Ismilabad, there is no scope to hold that the police as well as courts at Rohtak will have no jurisdiction to investigate and try the case against the petitioners. During the course of hearing, when a pointed question was put to the learned counsel for the petitioners in this regard, he had no answer and rightly so, it being a matter of record. In fact, the issue of jurisdiction has to be seen, considered and appreciated on the basis of allegations leveled in the FIR. If any part of the offences, as a matter of fact, has been found to be committed within the area of any particular Police Station where the FIR is registered or the Court where the case is pending, then the police of said police station as well as the court will have the jurisdiction to investigate and try the case. Exactly this is fact situation obtaining in the present case.

The above-said view taken by this Court also finds support from the judgments of this Court in **Yashpal Luthra Senior Professor and others v. Smt.Meera Luthra @ Meenakshi and another**, 1996(1) HLR 404, **Sultan Singh v. State of Haryana**, 1996(2) RCR (Crl.) 290, **Brij Lal v. State of Haryana**, 1997(3) RCR (Crl.) 319 and **Ajay Bhalla and others v. Monisha Bhalla (Mrs.)**, 2000 (4) AICLR 598.

So far as the jurisdiction of this Court under Section 482 Cr.P.C. is concerned, there is no doubt that the powers of this Court are wide enough. However, it is equally true that the inherent jurisdiction of

this Court is to be exercised sparingly and with circumspection, as held by the Hon'ble Supreme Court in numerous judgments on the subject, including in the case of **State of Punjab v. Davinder Pal Singh Bhullar and others, 2012(1) RCR (Crl.) 126**. Further, the Hon'ble Supreme Court has laid down the broad principles in its celebrated judgment in the case of **State of Haryana versus Bhajan Lal and others, AIR 1992 SC 604**, which are the guiding factors for invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C., for the purpose of quashing any criminal proceedings.

However, the present case has not been found covered under any of the broad principles of law laid down by the Hon'ble Supreme Court in **Bhajan Lal's** case (supra), which has been consistently followed by the Hon'ble Supreme Court in its later judgments as well. The normal process of criminal trial cannot be cut short, on the mere asking of the accused, particularly when perusal of the FIR would disclose a cognizable offence. This Court would not be justified in embarking upon an enquiry, about the reliability and genuineness of the allegations levelled in the FIR or in the complaint on the basis of the evidence collected during investigation, while dealing with a petition under Section 482 Cr.P.C., seeking quashing of the FIR. In this view of the matter, it is held that petitioners have not been found entitled for invoking the inherent jurisdiction of this Court under Section 482 Cr.P.C. for quashing the impugned FIR.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the instant petition is wholly misconceived, bereft of

merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the present petition stands dismissed, however, with no order as to costs.

18.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE