

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 590 OF 2015.

(Mr. Arjun Singh & others .vs. Mrs. Manisha Singh & The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. N.N. Gavankar, Advocate for petitioners,
Mr. S.S. Paliwal, Advocate for respondent no.1,
Mr. N.B. Jawade, A.P.P. for respondent no. 2.

CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.

DATED : JUNE 9, 2016.

The petitioners have approached this Court for quashing of Regular Criminal Case No. 517/15 arising out of Crime No. 351/14 registered at Gittikhadan Police Station, Nagpur. The petitioner no.1 is the husband of the respondent no.1. The other petitioners are the relatives of petitioner no.1.

The FIR came to be registered at the instance of respondent no.1 for the offences punishable under Section 498-A of the Indian Penal Code. Subsequent to the investigation, a charge-sheet is also filed.

Shri N.N. Gavankar, learned Counsel for the petitioners, submits that the entire cause of action has arisen within the jurisdiction of Courts either at Delhi or at Gurgaon and as such, the present proceedings are not tenable.

Shri S.S. Paliwal, learned Counsel for respondent no.1, on the contrary, submits that the perusal of the FIR would also reveal that the events are continuous and the last incident has

taken place within the jurisdiction of Gittikhadan Police Station. He relies on the judgment of the Apex Court in the case of **Sunita Kumari Kashyap .vs. State of Bihar and another reported in (2011) 11 SCC 301.**

The perusal of the FIR would reveal that the FIR specifically refers to the incident dated 3.7.2014 which is stated to have taken place within the jurisdiction of Gittikhadan Police Station. The FIR states that the petitioner no.1 had come to the house of her father and stated that if all things as are demanded by him are given, he would settle the matter and take back the respondent no.1 along with him. The FIR also states that the petitioner no.1 further stated that if the matter is taken to legal Courts by her, then he may even take a drastic step of finishing all the family members.

The Apex Court in the case of **Sunita Kumari Kashyap (cited supra)** had considered a case where the incidents of ill-treatment had taken place at Ranchi. However, the first informant therein was forcibly taken to parental home at Gaya by her husband with a threat of dire consequences in case the demand of dowry was not met. It will be relevant to refer to paragraph no. 18 of the said judgment, which reads thus :-

“18) We have already adverted to the details made by the appellant in the complaint. In view of the specific assertion by the appellant-wife about the ill-treatment and cruelty at the hands of the husband and his relatives at Ranchi and of the fact that because of their action, she was taken to her parental home at Gaya by her husband with a threat of dire

consequences for not fulfilling their demand of dowry, we hold that in view of Sections 178 and 179 of the Code, the offence in this case was a continuing one having been committed in more local areas and one of the local areas being Gaya, the learned Magistrate at Gaya has jurisdiction to proceed with the criminal case instituted therein. In other words, the offence was a continuing one and the episode at Gaya was only a consequence of continuing offence of harassment of ill-treatment meted out to the complainant, clause (c) of Section 178 is attracted. Further, from the allegations in the complaint, it appears to us that it is a continuing offence of ill-treatment and humiliation meted out to the appellant in the hands of all the accused persons and in such continuing offence, on some occasion all had taken part and on other occasion one of the accused, namely, husband had taken part, therefore, undoubtedly clause (c) of Section 178 of the Code is clearly attracted.”

We find that the facts in the present case are somewhat similar to the case that fell for consideration before the Hon'ble Apex Court. In the present case, the last of the incidents had taken place at Nagpur within the territorial jurisdiction of Police Station Gittikhadan.

In that view of the matter, we find that no case is made out for interference. The Writ Petition is rejected.

Judge

Judge

J.