

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No.M-38404 of 2011(O&M)
Date of decision : 23.09.2016**

Sorabh Mohindru & Anr.

... Petitioners

versus

State of Punjab & Anr.

... Respondents

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Argued by: Mr. M.S. Khaira, Senior Advocate with
Mr. R.S. Khaira, Advocate
for the petitioners.**

Mr. K.S. Aulakh, AAG Punjab.

**Mr. Sandeep Arora, Advocate
for respondent No.2.**

ANITA CHAUDHRY, J.

The petitioners are seeking quashing of FIR No. 17 dated 27.05.2011, registered under Sections 406 and 498-A at Police Station Women Cell, Jalandhar.

The FIR was registered at the instance of respondent No.2. Petitioner No.1 is the husband while petitioner No.2 is the father-in-law. It was alleged in the FIR that she had been residing at Jalandhar with her uncle and had been pursuing her studies and thereafter her uncle contacted the accused through a matrimonial advertisement. The alliance was finalized and her marriage was solemnized on 19.10.2009 at Chandigarh.

Sufficient dowry was given. After the marriage, she started residing with her in-laws at Chandigarh. The accused were not happy with the dowry given in the marriage and started harassing her. It was claimed that she was turned out of the matrimonial home.

On these allegations, FIR was registered.

The precise grievance of the petitioners was to the territorial jurisdiction of the police station where the FIR has been registered. According to learned Senior Counsel for the petitioners, the parents of the complainant have been residing at Hoshiarpur, he had referred to Annexure P-2 to P-5 i.e. Voter I.D. Card of the complainant and academic certificates to show that she had been residing at Hoshiapur and had completed her studies from Hoshiarpur. It was further averred that no part of cause of action accrued at Jalandhar and the allegations of cruelty, demand of dowry and harassment relate to Chandigarh and the FIR was liable to be quashed.

Learned State counsel as well as counsel for the complainant supported the FIR and investigation pursuant thereto on the ground that the petitioners were required to return the dowry articles at Jalandhar and hence the FIR was rightly registered at Jalandhar. It has been averred that the acts of cruelty had been committed by the petitioners. It was also pointed out that the investigation was over and challan had been presented in the Court.

I have heard learned counsel for the parties and have

gone through the paper-book carefully.

Vide order dated 20.12.2011 a Coordinate Bench of this Court had passed the following order:-

*"Replying upon the judgment of Hon'ble Apex Court in **"Manish Ratan and ors. vs. State of M.P. And anor."** 2007(1) RCR(Criminal) 513, the petitioner challenges the validity of launching of prosecution at Jalandhar claiming that either the Hoshiapur police station or the police at Chandigarh could be entitled to investigate the matter. So far as the provisions of Section 181(4) Cr.P.C. are concerned, counsel for the petitioner submits that it is not mentioned in the FIR that dowry articles were required to be returned a Jalandhar.*

After hearing counsel for the petitioner, it appears that though quashing of FIR cannot be ordered in this case, but the investigation could be transferred, as has been done in case of Manish Ratan's case(supra) by the Hon'ble Apex Court for investigation by proper authority and adjudication by competent Court having jurisdiction.

Notice to Advocate General, Punjab for 09.01.2012."

A perusal of paper-book reveals that in the identity card issued to the complainant by the Election Commission, she was shown a resident of Hoshiarpur. As per academic certificates, Annexures P-3 to P-5 she in the initial years studied at Hoshiapur and obtained her Bachelors Degree in the year 2003 from SMS Karamjot College, Miani (Hoshiarpur). It is an admitted position that parents of the complainant are residing at Hoshiapur. The marriage was solemnized at Chandigarh and no act of cruelty, harassment or misappropriation took place at Jalandhar. The respondents have failed to point out even a single instance of cruelty and harassment on account of dowry or misappropriation at Jalandhar. The return of dowry articles, if any would have to take place at Hoshiarpur. Only on account of the fact that the complainant had been studied at Jalandhar, does not vest that place with jurisdiction.

The only point for consideration in this case is wheher the Magistrate at Jalandhar had jurisdiction to try the case. On a construction of the provisions contained in Section 181(4) Cr.P.C., since there are allegations of misappropriation of dowry, the accused are required to return the property at a place where the bride had returned (to her parents house). The acts of cruelty were committed at Chandigarh. The relatives were duty bound to account for the *istridhan* and dowry articles at Hoshiarpur. Therefore, the Court at Jalandhar had no jurisdiction to try the offence.

As noticed above, the investigation has been

concluded and final report under Section 173 Cr.P.C. has been prepared and filed in the Court.

The learned Senior counsel very fairly submits that the petitioners had no objection if the proceedings pending before the Illaqa Magistrate, Jalandhar were transferred to the competent Court at Hoshiapur.

In view of the above, it is directed that the proceedings arising out of aforesaid FIR, pending before the Illaqa Magistrate, Jalandhar are transferred to the Court of CJM, Hoshiarpur for further proceedings in accordance with law. The parties are directed to appear before the CJM, Hoshiarpur on 03.10.2016.

A copy of this order be sent to the Courts concerned for immediate compliance. Records of the case be transmitted immediately.

The petition is disposed of.

September 23,2016

Jiten

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No