

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42689 of 2014

Arising Out of PS.Case No. -424 Year- 2012 Thana -PATNA COMPLAINT CASE District- PATNA

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Mukesh Kumar Singh Son of Sri Bishnudeo Singh Resident of Village - Sabura,
P.S. - Barauli, District- Begusarai. At Present residing at 60H, Top Floor, Pocket-
12, Sheikh Sarai, Phase - II, New Delhi

.... Petitioner

Versus

1. The State of Bihar
2. Shweta Sharma, Wife of Mukesh Kumar Singh, P.S. Barauni, District Begusarai, At present D/o Dinesh Sharma, Village Shalimpur, P.S. Bakhtiarapur, District Patna

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Senior Advocate Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Ajay Kumar-I, APP
For O.P. No.2	:	Mr. Shivendra Kumar Sinha, Advocate Mr. Ranjeet Patel, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 23-11-2017

Heard learned counsel for the parties.

2. The petitioner, who happens to be the husband of the complainant-opposite party no.2, seeks quashing of the cognizance order dated 25.07.2012, passed by learned S.D.J.M., Barh, Patna in Complaint Case No.424(C) of 2012 thereby taking cognizance of the offence under Section 498A of the Indian Penal Code as well as under Sections 3/4 of the Dowry Prohibition Act.

3. A brief fact of the case is that after solemnization of marriage, the complainant started living in Delhi with her husband but her husband and his family members ousted the complainant from the matrimonial home asking her to bring Rs.6,00,000/- and one Enova



vehicle otherwise not to come to the matrimonial home. The complainant went back to her parents' home who reside at Chhindwara, Madhya Pradesh. Again on persuasion she returned back in the matrimonial home on 07.02.2011 but the desired amount and the vehicle could not be provided, so the husband and his family members ousted her from the matrimonial home from Delhi.

4. Learned counsel for the petitioner submits that no part of the occurrence happened in the territorial jurisdiction of Patna, so the court has no jurisdiction to take cognizance in the matter. The complainant had only mentioned place of occurrence in the format but the allegation made in the complaint, the entire narrative portion, does not contain allegation of dowry demand or torture committed within the territorial jurisdiction of Patna.

5. Contrary to that the learned counsel appearing on behalf of the complainant submits that it is continuing offence, so the court has got the territorial jurisdiction.

6. Having considered rival submissions and on perusal of the record, the Court finds that the entire allegation of making of demand and torture is alleged to have been committed in Delhi where the complainant was residing along with her husband and other family members, so not even a part of allegation is alleged to have been committed within the territorial jurisdiction of Patna. In view of



Section 177 Cr.P.C., ordinarily any offence is enquired or tried by a court within whose jurisdiction the offence was committed. The place of enquiry or trial where it is to be conducted is incorporated in Sections 177, 178 and 179 Cr.P.C. In the present case, the entire allegation is said to have been committed in Delhi and when ousted from the matrimonial home, she went back to her parents residing in the district of Chhindwara (Madhya Pradesh), so no territorial jurisdiction lies to the court of S.D.J.M. Barh, Patna for enquiry and trial in this case.

7. Hence, the order of cognizance dated 25.07.2012, passed by learned S.D.J.M., Barh, Patna in Complaint Case No.424(C) of 2012 is set aside with liberty to the complainant to file complaint before the appropriate court having territorial jurisdiction.

8. With the aforesaid observations, the quashing application stands allowed.

(Arun Kumar, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.01.2018
Transmission Date	03.01.2018

