

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(CR). No. 193 of 2017**

1. Smt. Archana Dubey, W/o. Shri Amit Dubey, R/o. Shiv Shakti Nagar P.S. Unchahar, District -Raibareli (Uttar Pradesh). Presently Resided With Father Shri Anil Kumar Upadhyay, North Chakradhar Nagar Kaser Para Raigarh, Tahsil & District- Raigarh, Chhattisgarh

**---- Petitioner**

**Versus**

1. State of Chhattisgarh, Through : Secretary, Department Of Home, Mahanadi Bhawan, Naya Raipur, District- Raipur, Chhattisgarh
2. Superintendent Of Police, Raigarh, District Raigarh, Chhattisgarh
3. Station House Officer, Police Station- Chakradhar Nagar, Tahsil- Raigarh, District -Raigarh, Chhattisgarh

**-----Respondents**

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For Petitioner : Mr. R.R. Sinha, Advocate

For Respondents/State : Mr. Anil S. Pandey, Govt. Advocate

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**04/09/2017**

Heard.

1. It is submitted by the learned counsel for the petitioner that a written complaint vide Annexure P/1, dated 03.07.2016 was made before the Superintendent of Police, Raigarh, in which specific allegations were made that husband and in-laws of the petitioner arrived at Raigarh on 21.05.2015, where they met with the father of the petitioner and demanded dowry of Rs.10.00 lakhs, which could not be arranged and paid to the in-laws of the petitioner by the father of petitioner. There is

also specific allegation that in-laws of the petitioner came to Raigarh on 21.05.2016 and between 21-22/05.2016 and made demand of dowry. Hence, the case is made out regarding which case can be registered and investigated within the jurisdiction of Raigarh District.

2. Counsel for the State submits that matrimonial home of the petitioner is at Unchahar, District – Raibareli (UP) all the acts alleged in the complaint about torture given and demand of dowry made is related to her matrimonial home, which is situated in Raibareli, hence for these reasons, the jurisdiction to investigate the case and initiate the criminal proceeding lies with Police Station, Raibareli. Documents have also been submitted by the respondents in support of the reply given, it is prayed that petitioner has no case.
3. I have heard the learned counsel for both the parties and perused all the documents placed on record.
4. On perusal of the complaint dated 03.07.2016 (Annexure P/1), it is apparent that petitioner has made specific allegation against the proposed accused i.e. her husband and in-laws were in Raigarh, when demand of dowry was made. Hence this statement made in the complaint has to be enquired into and in case any substance is found in the allegation made in the complaint, the case can be proceeded with by the police of Raigarh District. If the, enquiry report is negative, then the complaint made by the petitioner may be forwarded to the Police at Raibareli to do the needful. Hence this petition can be disposed off with direction.
5. Respondents are directed to make an enquiry on the complaint made by the petitioner regarding jurisdiction of the case. In case, it is found that, case has to be investigated and proceeded with in Raigarh, then

needful be done keeping in view the judgment of Hon'ble Supreme Court, passed in case of Rajesh Sharma & Ors. Vs. State of U.P. & Anr, dated 27.07.2017 in Criminal Appeal No.1265/2017.

6. Accordingly, the petition stands disposed off.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram