

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 595 of 2014

1. Sohil Sharma, S/o. Shri Ram Lubhaya Sharma, Aged About 26 Years,
2. Ram Lubhaya Sharma, S/o. Shri Chamanlal Sharma, Aged About 59 Years,
3. Smt. Manju, W/o. Shri Ram Lubhaya Sharma, Aged About 51 Years,
4. Smt. Anita, W/o. Shri Kamal Kunj Sharma, Aged About 46 Years,
All R/o House No. 327, Ward No. 6, Station Road, Mahasamund,
Distt. Mahasamund, Civil And Rev. Distt. Mahasamund C.G.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Distt. Magistrate, Durg C.G.
2. Neha Sharma, W/o. Shri Sohil Sharma, aged about 24 years, R/o. Mashal Chowk, Khursipaar, Bhilai-3, Durg (C.G.)

-----Respondents

For Petitioners : Mr. Shailendra Dubey, Advocate
For Respondent/State : Mr. Lav Sharma, Panel Lawyer
For Respondent No.2 : Mr. Chandra Bhushan Kesharwani, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/10/2017

Heard.

1. This petition under Section 482 of Cr.P.C. has been brought with prayer to quash the impugned order dated 29.04.2014, passed by the 6th Additional Sessions Judge, Durg (C.G.), in Criminal

Revision No.48/2014, whereby the learned Additional Sessions Judge has affirmed the order passed by the Judicial Magistrate First Class, Durg dated 07.02.2014 passed in M.J.C. NO.212/2013.

2. It is submitted by the counsel for the petitioners that on the basis of the complaint made by the complainant - Neha Sharma, the respondent No.2, the petitioners are being prosecuted before the Court of Judicial Magistrate First Class, Durg for offence under Section 498-A read with Section 34 of Indian Penal Code. It is submitted by the counsel for the petitioners that marriage of respondent No.2 and the petitioner No.1 was performed on 20.11.2010, thereafter both of them resided at Jodhpur, where allegedly complainant was subjected to torture and cruelty by the petitioner No.1. Permanent residence of petitioners is in Mahasamund. Complainant has resided either in Jodhpur or in Mahasamund and it is during this period, allegedly she was subjected to torture and cruelty by the petitioners for demand of dowry. The prosecution has been launched on the basis of the FIR lodged by the complainant in Mahila Thana -Bhilai, as all the alleged acts constituting the offence under Section 498-A of I.P.C. apparently seem to have happened either in Jodhpur or Mahasamund, for this reason, the Court at Durg, does not have jurisdiction to try the case.
3. It is also submitted that decree of divorce has been granted in favour of the petitioner No.1 against the complainant/wife Mrs. Neha Sharma in Civil Suit No.55A/2014 by the judgment dated 22.07.2015. The learned Family Court has given finding that it

was the complainant- Mrs. Neha Sharma, who treated with cruelty her husband-petitioner No.1, hence, on this count also, this petition deserves to be allowed.

4. Counsel for the respondent No.1 has opposed the petition and the submission made.
5. Counsel for the respondent No.2 submits that Section 178 (C) and Section 179 of Cr.P.C. provides the Court at Durg has jurisdiction to try the case. The orders passed by the Court below does not suffer from any infirmity, hence there is no scope for interference.
6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. As alleged in the FIR against the petitioners soon after the performance of marriage on 20.11.2010, the complainant- Mrs. Neha Sharma was subjected to torture and cruelty along with demand of dowry by the petitioners. Thereafter, she went to reside with her husband-petitioner No.1 in Jodhpur, where she was again subjected to torture and cruelty for demand of dowry. A complaint was made by complainant in Mahila Thana- Jodhpur, in which both the parties compromised, but later on complainant came back to her paternal home in Bhilai and lodged FIR in Mahila Thana – Durg on the basis of which, offence was registered, investigated and prosecution was instituted against the petitioners.
8. It is clear from the allegations made and the statement of witnesses that complainant was allegedly subjected to torture

and cruelty for demand of dowry in places at Jodhpur and Mahasamund, but it was the consequence of this alleged acts of the petitioners that complainant had to take shelter of her paternal home at Bhilai. This is the case which is clearly covered under Section 179 of Cr.P.C., which provides that the Court situated in places, where the consequence ensues pursuant to commission of offence shall also have a jurisdiction to try the cases.

9. Looking to the result of the investigation and the contents of the case against the petitioners, it is apparent that complainant Mrs. Neha Sharma was compelled to take shelter of her paternal home consequent to the torture and cruel treatment allegedly given to her by the petitioners. Hence for these reasons, it is found that the Court at Durg has jurisdiction under the provisions of Section 179 of Cr.P.C. The impugned order and the order passed by the trial Court does not suffer from any infirmity and needs no interference. Consequent to this finding, this petition is without any substance, which is dismissed accordingly.

Sd/-
(Rajendra Chandra Singh Samant)
Judge