

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

**CRM-M-40372-2015
Date of decision: 22.11.2018**

Sheela and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioners.

Mr. P.P. Chahar, DAG, Haryana.

Mr. Keshav Pratap Singh, Advocate,
for respondent No.2.

JAISHREE THAKUR, J.

1. The instant petition under Section 482 Cr.P.C. has been filed by the petitioners seeking quashing of FIR No. 122 dated 05.03.2015 under Sections 498-A, 342, 323, 506 IPC, registered against them at Police Station Dadri Sadar, District Bhiwani.

2. In brief, the facts are that a marriage was solemnized between complainant/respondent No.2 and petitioner No.3 on 11.05.2013 according to Hindu rites and ceremonies at Jaipur. Thereafter, matrimonial differences arose between the parties which led to the registration of the aforesaid FIR under Sections 498-A, 342, 323, 506 IPC, at Police Station Dadri Sadar, District Bhiwani. It was alleged that after the marriage had been solemnized,

her mother-in-law, father-in-law taunted her for bringing inadequate dowry, whereas her brother-in-law, petitioner No.4 demanded cash. There were allegations that petitioner No.3, her husband used to take liquor and is a person of ill repute, maintaining relationship with other girls. It was further alleged that her mother used to give him money while further stating that the dowry given by her parents such as jewellery and other articles had been retained by her husband and in-laws at the time she was thrown out of her matrimonial home. There were also allegations of illtreatment, miscarriage, physical and mental torture.

3. Learned counsel for the petitioners contends that the registration of the FIR at Bhiwani is not sustainable due to lack of territorial jurisdiction. It is argued that complainant/respondent No.2 (henceforth called the respondent no 2) was a permanent resident of 47-B, Defence Colony, Niwaru Road, Nathji Ki Thadi, Jhotwara, Jaipur, Rajasthan and, therefore, the Courts at Bhiwani would have no jurisdiction to entertain the FIR. It was also contended that both parties are residents of District Jaipur in Rajasthan and the marriage too was solemnized there. If the allegations in the FIR are read as a whole, there is no allegation that there was any demand of dowry or physical torture extended to respondent No.2 at Bhiwani and all alleged incidences pertain to events occurring within the jurisdiction of District Jaipur in Rajasthan. In support of his argument, learned counsel for the petitioners relies upon the Aadhar Card of respondent No.2 showing her permanent address to be that of Jaipur while also relying on a Board of Secondary Education Certificate issued from Rajasthan.

4. A counter has been filed by the State of Haryana stating that the case has been investigated and on the basis of investigation, the FIR has rightly been registered.

5. Respondent No. 2 has filed her reply while also submitting that the investigation in the case is completed and the chargesheet has been presented in Court and, therefore, at this stage there is no ground for interference in the matter. As regards the question of territorial jurisdiction, it is submitted that respondent No. 2 as well as her parents are permanent residents of village Makrana, Tehsil Charkhi Dadri, District Bhiwani. Residence in Rajasthan was temporary as her father was serving in the Indian Army at that point of time. It is also argued that there is a domicile certificate issued by the Government of Haryana showing her to be a resident of Haryana State and that the Aadhar Card as relied upon too reflected her address to be of village Makrana, Tehsil Charkhi Dadri, District Bhiwani.

6. Apart from that counsel for respondent No.2 relies upon School Certificate issued by B.M.D. Sr. Secondary School, Makrana (Bhiwani) from the year 2004 to 2007 as student of class 5th to 7th. The residence certificate of the father of the respondent No.2 would also reflect that he is a resident of village Makrana, Tehsil Charkhi Dadri, District Bhiwani. It is contended that the FIR has correctly been registered at Bhiwani.

7. I have heard learned counsel for the parties and have also perused the pleadings of the case as well as the case law.

8. The sole question for determination in the instant petition would be whether the Courts at Bhiwani have the jurisdiction to entertain

the FIR in question?

9. There is no dispute about the fact that the petitioners herein are residents of Jaipur and that a marriage was solemnized between respondent No.2 and Parveen-petitioner No.3 at Jaipur itself. Furthermore, a reading of the FIR would reflect that there is a specific averment in the FIR that “*when I returned after one month to my village Makrana with my husband then my mother had taken money from my uncle and my Tau Krishan had given Rs. 3 Lacs to my husband and had told my husband that they will give the rest of amount slowly-slowly.*” There is a further allegation that “*every time when he had taken to my village Makrana (Haryana) my mother used to give him Rs. 10,000/- to Rs. 15,000/-.*” These allegations are enough to establish the territorial jurisdiction at Bhiwani when there was apparent demand of dowry and acceptance of the same. Even otherwise, this Court in ***Samrat Kaushik and others vs. State of Haryana and another, 2007(1) R.C.R. (Criminal) 328***, has held that those Courts would have the territorial jurisdiction to entertain the matter where any part of the property, which was the subject matter of the offence, was required to be returned or accounted for by the accused persons. Para 7 of the said judgment reads as under :-

“7. As per the FIR itself, the marriage of respondent No.2 was solemnized with petitioner No.1 at Faridabad. The parents of respondent no. 2 gave gifts and dowry at the time of marriage. After the marriage ran into rough weather, the respondent no 2 was dropped by the accused at the gate of her parental home at Faridabad. She had mentioned in her complaint to the police that her in-laws were using her dowry articles, which had been given in

her marriage and the said dowry articles be recovered and handed over to her. As the respondent no 2 was residing at Faridabad with her parents and she had demanded the return of the dowry articles, the accused by retaining the dowry articles which were meant for the use of the complainant, per se made themselves liable for an offence of criminal breach of trust, punishable under Section 406 Indian Penal Code. As per the provisions of Section 181(4) of the Code, the offence of criminal breach of trust may be inquired into or tried by a Court within whose local jurisdiction any part of the property, which was the subject of the offence, was required to be returned or accounted for by the accused persons. On account of the accused committing offence under Section 406 Indian Penal Code, FIR would be registered at Faridabad.”(emphasis supplied).

10. The Hon'ble Supreme Court in *Sunita Kumari Kashyap vs. State of Bihar and another, 2011(3) R.C.R. (Criminal) 26*, has held that when an offence is continuing one and if it continues to be committed in more than one local area as per Section 177 Cr.P.C., the Court having jurisdiction over any of such local areas is competent to inquire into and try the offence.

11. In the case in hand, it is clear that the father of respondent No. 2 was serving in the Indian Army and posted at Jaipur at the time when the marriage between the parties was solemnized. It is at that point of time that respondent No. 2 also completed her studies at Jaipur, which accounted for a certificate being issued to her. There is a sufficient material available on the record to show that respondent No. 2 and her parents are domiciled and residents of village Makrana, Tehsil Charkhi Dadri, District Bhiwani, where

respondent No. 2 continues to reside after the break up of her marriage. The argument raised that the marriage was solemnized at Jaipur i.e. the matrimonial home and all alleged incidences pertaining to demand of dowry, physical and mental cruelty and entrustment would have no bearing since in the FIR itself, it is mentioned that the husband of respondent No. 2 had accepted money at village Makrana, Tehsil Charkhi Dadri, District Bhiwani where also a promise had been made by the mother of respondent No. 2 to make balance payment in over a period of time.

11. In view of the above, there is no merit in the present petition and the same is hereby dismissed.

Petition stands disposed of.

22.11.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.