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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 2117/2015 and CrI.M.A.7521/2015

HARMINDER SINGH BAWEJA & ORS Petitioners

Through: Mr. Ashwin Kumar, Adv.

versus

STATE (NCT OF DELHI) & ANR Respondents

Through: Ms. Meenakshi Dahiya, APP for the
State with SI Sundeep Yadav, PS
Tilak Nagar.

Mr. Kamal Sethi, ADv. for R-2 with
R-2 in person.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **04.10.2018**

This petition under Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.) was filed seeking quashing of the proceedings arising out of first information report (FIR) No.459/2013 of Police Station Tilak Nagar, involving offences allegedly committed, they being punishable under Sections 498-A/406/34 of Indian Penal Code, 1860 (IPC), the second respondent being the complainant of the said case.

The complainant, it is alleged, was married to Jaspreet Singh, he presently being in Canada, he having statedly absconded, look out circular having been issued in his respect. The petitioners before this court are father-in-law, mother-in-law and brother-in-law of the complainant. In the FIR allegations have been made of they having shared common intention

in commission of the offence committed under Section 498-A/406 IPC against her.

The present petition was brought primarily with the contention that the jurisdiction of Delhi police and Delhi courts has been wrongly invoked because the marriage ceremony had taken place in Phagwara District, the parties having thereafter shifted residence there, after an interval of about four-five months and having moved for Canada on 28.04.2005 where they lived together.

The State and the complainant, on the other hand, justify the invocation of jurisdiction in Delhi, *inter alia*, on the submissions that the marriage had taken place in Delhi on 02.12.2003 and it was registered before appropriate authority in Delhi, religious ceremony having been later arranged in Phagwara District on 25.11.2004. The complainant also alleges that the demands for dowry had been made even while the parties were still in Delhi.

In the petition seeking quashing of the proceedings arising out of the FIR averments have also been made touching upon the merits of the allegations. But, it cannot be lost sight of that the investigating agency has since concluded its probe, the final report of investigation under Section 173 Cr.P.C. having been submitted on 11.08.2015, the case being pending before the appropriate court of Magistrate at the stage of consideration of charge.

Questions of facts arise which would need to be addressed on the basis of evidence that has been collected. There is no good reason why the veracity of the allegation in the complaint or the issue of jurisdiction be considered only on the touchstone of what was alleged in the FIR in the first

place. The factual inquiry cannot be effective or complete particularly in the jurisdiction under Section 482 Cr.P.C. (*Rajiv Thapar and Ors. vs. Madan Lal Kapoor, (2013) 3 SCC 330*).

In the above facts and circumstances, this court declines to interfere under Section 482 Cr.P.C. The petitioners have the liberty to raise contentions set out in the petition before the appropriate court at the time of consideration of charge and in the proceedings that may follow.

The petition and the application filed therewith stand disposed of with above observations.

R.K.GAUBA, J.

OCTOBER 04, 2018

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