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

% Judgment delivered on:23.10.2018

+ CRL.REV.P. 476/2017

STATE

..... Petitioner

versus

DEVENDER SINGH & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Hirein Sharma, APP for the State.
SI Dharamvir Singh, PS CWC Nanak Pura.

For the Respondent : Mr. Varun Agarwal, Advocate for respondents.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

23.10.2018

SANJEEV SACHDEVA, J. (ORAL)

**CRL.REV.P. 476/2017 & Crl.M.A.10746/2017 (stay),
Crl.M.A.10747/2017 (for condonation of delay)**

1. Petitioner State has filed this revision petition impugning order dated 03.11.2016, whereby, the first Revisional Court allowed an application filed by respondents under Section 177 read with Section 461 Cr.P.C and held that the Police Station Crime (Women) Cell, Nanakpura would not have the jurisdiction to investigate the subject FIR No.127/2012 under Section 498A/406/34 IPC, Police Station

Crime (Women) Cell, Nanakpura and directed return of the Charge Sheet filed by the SHO.

2. Subject FIR was registered under Section 498A/406/34 IPC on the complaint filed by the wife of respondent No. 1. The Metropolitan Magistrate by order dated 04.05.2016 rejected the application filed by the respondents under section 177 read with 461 Cr.P.C. and took cognizance. Thereafter, a revision petition was filed by the respondents impugning the order of the Metropolitan Magistrate taking cognizance.

3. Learned APP for the State submits the Revisional Court committed a jurisdictional error inasmuch as the Revisional Court was not empowered to transfer the FIR, which jurisdiction lay only with the High Court. Learned APP for the State further contends that by Notification F.No.1/16/2007/HP-1/Estt./7607 dated 11.02.2008, Crime (Women) Cell, Nanakpura has been declared to be a Police Station having jurisdiction over the whole of National Capital Territory of Delhi. He submits that in view of the said Notification, the impugned order is not sustainable.

4. Learned counsel appearing for the respondent opposes the petitioner and contends that the First Revisional Court has correctly passed the impugned order. He however, submits that the husband and wife and the family have reconciled their disputes and the complainant and the respondent No.1 have started residing together as

husband and wife since 13.04.2018.

5. Complainant is also present in Court in person. She has also filed a petitioner (Crl.M.C.4773/2018) seeking quashing of the subject FIR based on the settlement.

6. Reference may be drawn to Section 177 Cr.P.C., which reads as under:

“177. Ordinary place of inquiry and trial. Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.”

7. In terms of Section 177 Cr.P.C., every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.

8. Subject FIR has been registered in Police Station Nanakpura. Notification dated 11.02.2008, by which the Police Station Nanakpura was established, reads defines the jurisdiction as under:-

“In exercise of the powers conferred by clause (s) of section 2 of the code of Criminal Procedure, 1973 (2 of 1974) read with the Government of India, Ministry of Home Affairs, Notification No. U- 11011/2/74-UTL (i) dated the 20th March, .1974, the Lieutenant Governor of the National Capital Territory of Delhi, hereby directs and declares the Crime (Women) Cell of the Delhi Police, Nanak Pura, New Delhi to be a Police Station for the registration and investigation of cases relating to the matrimonial disputes i.e. torture, harassment for the sake of dowry demand, attracting cases of rape, attempt to rape, molestation, sexual harassment and any other cases

of crime against women requiring Investigation by the said Crime (Women) Cell and further that its officers of the rank of Inspector and above shall enjoy the powers of officer-in charge of a Police Station, for exercising powers under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) in the investigation of the cases assigned to it, and shall have jurisdiction over the whole of the National Capital Territory of Delhi, with immediate effect.”

(underlining supplied)

9. In terms of the above Notification, Crime (Women) Cell of the Delhi Police, Nanak Pura, New Delhi has been notified to be a Police Station for the registration and investigation of cases relating to the matrimonial disputes i.e. torture, harassment for the sake of dowry demand, attracting cases of rape, attempt to rape, molestation, sexual harassment and any other cases of crime against women. Said Police Station has jurisdiction over the whole of the National Capital Territory of Delhi.

10. By High Court's Order No.15/DHC/Gaz/G-3/VI.E.2(a)/2012 dated 23.07.2012, the concerned Magistrate was assigned the work of Police Station Nanakpura.

11. Since Crime (Women) Cell of the Delhi Police, Nanak Pura, New Delhi has been notified to be a Police Station for the registration and investigation of cases relating to the matrimonial disputes and has jurisdiction over the whole of the National Capital Territory of Delhi

and further concerned Magistrate was assigned the work of Police Station Nanakpura, the Magistrate rightly took cognizance of the FIR which was registered in Police Station Crime (Women) Cell Nanakpura under section 498A, 406/34 IPC and did not commit any error by rejecting the application filed by the respondents under Section 177 read with Section 461 Cr.P.C.

12. Further, as the Magistrate had the jurisdiction to take cognizance of the subject FIR, the Revisional Court exceeded its jurisdiction in directing return of the chargesheet to the SHO/IO concerned.

13. In view of the above impugned order dated 03.11.2016 is not sustainable and is, accordingly, quashed.

14. Since parties have settled their disputes and subject FIR No. 127/2012 under Sections 498A/406/34 IPC, Police Station Crime (Women) Cell, Nanakpura and the consequent proceedings emanating therefrom have been quashed by order of today's date in Crl.M.C.4773/2018 titled *Pooja Singh Versus State of NCT & Ors.*, the consequential order of remit is not being passed.

15. Petition is disposed of in the above terms. There shall be no order as to cost.

OCTOBER 23, 2018/st

SANJEEV SACHDEVA, J