

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13713 of 2017

Arising Out of PS. Case No.-496 Year-2013 Thana- PATNA COMPLAINT CASE District-
Patna

=====

Syed Parvez Ahmad Son of Syed Ejazul Haque Resident of Mohalla
Powerganj, P.O., P.S. and District-Lohardagga Jharkhand

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shabnam Parveen daughter of Late Syed Nazmul Hassan, Wife of Syed
parvez Ahmad and Resident of Mohalla-Agarwal Tola, loharwa Ghat, P.S.
Alamganj, Patna City District-Patna.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma
For the Opposite Party/s : Mr. Bharat Lal

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-12-2019 Heard the parties.

2. This application under Section 482 Cr.P.C. is for
quashing the order dated 20.12.2016 passed in Alamganj
P.S.Case No.170 of 2013 arising out of Complaint Case No.496
of 2013 whereby prayer for discharge of the petitioner was
refused under Section 239 of the Cr.P.C.

3. The challenge is on the ground that the court below
had no territorial jurisdiction as no part of cause of action took
place within the jurisdiction of the Court below.

4. According to complaint based FIR, marriage of
Opposite Party No.2 was solemnized with the petitioner on
23.07.2010 at Mohalla-Agarwal Tola, Lohrwa Ghat, Patnacity.



After marriage Opposite Party No.2 resided with this petitioner at her matrimonial house in Lohardaga District. However, the elder brother of the petitioner and wife of the elder brother used to complain for insufficient dowry and ornaments brought by Opposite Party No.2 and there was repeated demand of Rs.5,50,000/- and one car. The petitioner started vexing her by writing letters and call on telephone to her brothers for payment of the aforesaid amount. The torture was mental as well as physical. On 22.04.2013, the petitioner assaulted to the complainant with fist and stick as well as leather belt and snatched all her ornaments and clothes. The complainant was thrown away from the house. Thereafter, the complainant was residing in her parents house since 23.04.2013 till filing of the complaint petition.

5. On that basis, learned counsel for the petitioner submits that no part of cause of action accrued within the territorial jurisdiction of Patnacity Court as no offence under Section 498A or 3 /4 of the Dowry Prohibition Act was ever committed within the jurisdiction of the court below rather the offence was allegedly committed within the jurisdiction of the Court at Lohardaga in the State of Jharkhand. Even in the complaint petition, it is mentioned that the place of occurrence



is Lohardaga in the State of Jharkhand.

6. On the other hand, learned counsel for the State Opposite Party submits that offence under Section 498A Indian Penal Code is a continuing offence and law is settled that if the victim resides elsewhere taking shelter after being tortured for non-fulfilment of dowry demand in her matrimonial house, the Court of the place where she has taken shelter has also got jurisdiction.

7. Learned counsel for the petitioner relied upon the judgment of Hon'ble Supreme Court in *Y.Abraham Ajith v. Inspector of Police, Chennai* reported in AIR 2004 SC 4286. The aforesaid judgment of the Hon'ble Supreme Court rendered by a Bench of two Judges was considered in *Rupali Devi v. State of Uttar Pradesh & Others* by a Bench of three Judges (2019) 5 Supreme Court Cases 384 and after considering the provisions of Section 177 to 179 of the Cr.P.C., which relates to territorial jurisdiction of the Court for enquiry and trial, held that when the cruelty was allegedly committed in the matrimonial home by the husband or his relatives and the wife is leaving matrimonial home and taking shelter in parental home or some other place located at a different place. The Court of the place of shelter or residents of the wife would have



jurisdiction to entertain complaint under Section 498A of the Indian Penal Code.

8. Considering the judgment of the Hon'ble Supreme Court in *Rupali Devi* case. I do not find that the impugned order suffers from lack of jurisdiction, hence, this application has got no merit and, is accordingly stands dismissed.

(Birendra Kumar, J)

B.Kr./-

U		T	
---	--	---	--

