

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 502 of 2016

- Smt. Asha Pyasi, W/o Arvind Pyasi, Aged about 23 years, R/o New Ledri, P.S. Supela, District- Durg (C.G.) ---- **Petitioner**

Versus

1. Ramnath Pyasi S/o Bhaiyalal Pyasi Aged about 65 years,
2. Smt. Kalawati W/o Ramnath Pyasi Aged About 60 years
3. Ramnaresh Pyasi S/o Ramnath Pyasi Aged About 36 years,
4. Smt. Munni Pyasi W/o Ramnaresh Pyasi Aged About 34 Years,
5. Awadhesh Prasad Pyasi W/o Ramnaresh Pyasi Aged About 34 Years,
6. Smt. Nirmala Pyasi W/o Awadhesh Pyasi Aged About 30 Years,
7. Smt. Snehlata Pyasi W/o Rajesh Pandey Aged About 22 Years,
8. Abhishek Pyasi S/o Umakant Pyasi Aged About 19 Years,
9. Rakesh Pyasi S/o Umakant Pyasi Aged About 26 Years,
10. Umakant Pyasi S/o Ramnath Pyasi Aged About 44 Years,
11. Rukmani Pyasi W/o Umakant Pyasi Aged About 40 Years,
12. Piyush Pyasi S.I Ynajat Otasu Aged About 21 Years,
13. Arvind Pyasi S/o Ramnath Pyasi Aged About 32 Years,
14. Ambika Prasad Pyasi S/o Ramnath Pyasi Aged About 44 years,
15. Ramlali Bai W/o Ambika Pyasi Aged About 40 Years,
16. Bitti Bai W/o Rajendra Prasad Pandey Aged About 40 years,
All respondents are R/o Village Jobi, P.S.- Induwar, District- Umariya (M.P.)
17. State of Chhattisgarh, through- P.S. Station House Officer, Manendragarh, District Korea (C.G.) ---- **Respondents**

For Petitioner : Shri Shakti Raj Sinha, Advocate.

For Respondents No. 2 to 16 : Shri Rajendra Tripathi, Advocate.

For State/Respondent No. 17 : Smt. Shubha Shrivastava, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

20/01/2020

1. This appeal is preferred against the order dated 23rd August, 2014 passed by Judicial Magistrate First Class,

Manendragarh, District- Koriya (C.G.) in Criminal Case No. 523/2011 which is passed in compliance of the order dated 22nd August, 2014 passed by 2nd Additional Sessions Judge, Manendragarh, District- Koriya (C.G.) in Criminal Revision No. 14/2012 wherein the proceeding of Criminal Case No. 523/2011 is terminated on the ground that Court of Manendragarh had no jurisdiction to try for the offence under Sections 498-A and 323 read with Section 34 of the Indian Penal Code (for short 'IPC'), 1860.

2. In the present case, complainant is Smt. Asha Pyasi who married to Arvind Pyasi. Marriage was solemnized on 30th June, 1999, after marriage the complainant moved to her matrimonial house which is at village- Jobi, District- Umariya while the parental home of the complainant is at New Ledari under Police Station- Manendragarh. As per F.I.R., all the respondents who are relatives of the husband committed cruelty against the complainant that is why F.I.R. was lodged at Police Station- Manendragarh. Objection was raised on behalf of the respondents that no act is committed at parental house in New Ledari under Police Station- Manendragarh, therefore, Court at Manendragarh is not vested with the jurisdiction. The revisional Court i.e. Court of 2nd Additional Sessions Judge, Manendragarh recorded finding that Court at Manendragarh had no jurisdiction to try the case against which the present acquittal appeal is preferred.
3. The only issue for consideration of this Court is whether the Court at Manendragarh is having jurisdiction over the matter.

4. Learned counsel for the appellant submits that on account of cruelty the wife left her matrimonial home and took shelter in her parental home. The Court situated at such place is having jurisdiction even if the cruelty is committed on that place. He placed reliance in the matter of **Rupali Devi Vs. State of Uttar Pradesh**, reported in (2019) 5 SCC 384.
5. On the contrary, learned State counsel submits that no act is committed at New Ledari, therefore, Court at Manendragarh is not having jurisdiction in the present case. As per F.I.R., cruelty was committed at village-Jobi and thereafter the appellant is taking shelter at her parental home i.e. New Ledari. When shelter is taken on account of act committed in matrimonial home, the consequences of cruelty i.e. adverse effect on mental health in paternal home is result of the act committed at village- Jobi, therefore, the Court at the place where wife takes shelter after leaving or driven away for matrimonial home also have jurisdiction to entertain the complaint leading commission of offence under Section 498-A of IPC, 1860. Her suffering of parental home is directly attributable to commission of act of cruelty by husband and his relatives at matrimonial home.
6. As per law laid down in the matter of **Rupali Devi Vs. State of Uttar Pradesh** as cited above. Looking to the factum and legal aspects of the matter the Court at Manendragarh is having jurisdiction for the matter, therefore, order passed by revisional Court i.e. Court of 2nd Additional Sessions Judge, Manendragarh is liable to be and is hereby set aside. The trial Court i.e. Court of Judicial Magistrate First Class, Manendragarh shall proceed with

the Criminal Case No. 523/2011 filed under Sections 498-A and 323 of IPC, 1860 and after providing opportunity of hearing to both sides shall decide the issue between the parties on merit.

7. Both the parties shall remain present before the Judicial Magistrate First Class, Manendragarh for further proceeding on 25th February, 2020.
8. Accordingly, the appeal is allowed.

Sd/-

(Ram Prasanna Sharma)
Judge

Vasant