

110/A.

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

CRM-M-9936-2019

Date of decision:13.03.2020

VARUN KAMBOJ

... Petitioner

versus

STATE OF HARYANA AND ANR.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajpal Singh Chauhan, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana,
for respondent No.1.

Mr. Nand Lal Sammi, Advocate, and
Mr. Hitesh Kumar Sammi, Advocate,
for respondent No.2.

HARI PAL VERMA, J.(Oral)

The petitioner, who is the husband of complainant-respondent No.2, has filed the present petition under Section 482 Cr.P.C. for quashing the FIR No.199 dated 15.05.2018 registered under Sections 323, 377, 406, 498-A, 506 and 120-B of IPC at Police Station Farakpur, District Yamuna Nagar (Annexure P-1) and all consequential proceedings arising therefrom.

Learned counsel for the petitioner has argued that the present FIR has been registered mainly for the reason that there are allegations against the petitioner that he was maintaining extra marital relation with some other lady, however, during investigation, the police did not find any substance in those allegations. Similarly, a plot (vasika No.298, dated 04.03.2013) was purchased by the petitioner from his own funds and it is the

petitioner who has transferred Rs.8 lacs in the account of the complainant on 18.02.2013 and besides this, he had arranged an amount of Rs.10 lacs from his own resources, as he had taken this money from his brothers and father. Thus, it is the petitioner, who had purchased the said plot from his funds and there was no contribution from the complainant or her parents. He has further argued that the present FIR is liable to be quashed on the ground of jurisdiction as well. The cause of action, if any, has arisen in the territorial jurisdiction of Faridabad where the parties had lastly resided together, whereas the present FIR has been registered at Yamuna Nagar. Thus, for this reason, the FIR needs to be quashed. There is no evidence as regard the offence under Section 406 IPC.

Mr. Sammi, learned counsel for the complainant-respondent No.2 has pointed out that there are specific allegations against the petitioner in the FIR. The petitioner had been harassing the complainant on one pretext or the other. The couple is blessed with two daughters from the wedlock but the petitioner is not extending any help to the complainant.

I have heard learned counsel for the parties.

The argument of counsel for the petitioner as regard jurisdiction point has been discussed in the judgment Hon'ble the Supreme Court in ***Rupali Devi Versus State of Uttar Pradesh and others-2019(2) RCR(Criminal) 795***, wherein it has been held that the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, have jurisdiction to entertain a complaint. Thus, the complainant is at liberty to put the criminal machinery in motion by taking shelter of any place. This

Court finds that there are serious/specific allegations against the petitioner. Even if the petitioner is found innocent during investigation for the allegation that he was maintaining extra marital relations with some other lady is no ground to interfere in the FIR.

Accordingly, the present petition is dismissed and the petitioner is required to face trial and the prosecution would be at liberty to lead their evidence.

(HARI PAL VERMA)
JUDGE

13.03.2020
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No