

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

CRM-M-51129-2021

Date of decision : 07.12.2021

Vikas and another

.....Petitioners

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. J.K. Sharma, Advocate
for the petitioners.

Mr. B.S. Virk, D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioners have approached this Court praying for quashing of the chargesheet filed under Section 173 in relation to the FIR No.5/2020 dated 05.01.2020, under Sections 34, 406, 498-A, 506 IPC, at Police Station Lakhna Majara, District Rohtak.

Learned counsel for the petitioners has relied upon the judgment of the Hon'ble Supreme Court passed on 09.04.2019 in Rupali Devi Vs. State of Uttar Pradesh and others in Criminal Appeal No.71 of 2012. He submits that the cause of action arose in Delhi and not in Rohtak wherein the FIR has been lodged. To buttress his arguments, he has relied upon the above-mentioned judgment and he argues that the Court at Rohtak has no jurisdiction to try the case and proceed with the trial in view of the law settled by the Hon'ble Supreme Court. The arguments primarily involves the disputed question of facts. He

submits that he would have no objection if the petition is disposed of with liberty to the petitioners to agitate all the available pleas including the jurisdiction issue before the trial Court.

Notice of motion.

On asking of the Court, Mr. B.S. Virk, D.A.G., Haryana accepts notice on behalf of the respondent-State.

In view of the attending circumstances, this Court finds it appropriate to dispose of the present petition with liberty to the petitioners to approach the learned trial Court who would deal with all his arguments including the issue regarding jurisdiction and decide the same in accordance with the law.

07.12.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No