

Dusane

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

WRIT PETITION NO.11 OF 2021

Sahil Bablani s/o K.L. Bablani & Ors. ...Petitioners

Versus

1. The State of Telangana
2. Smt. Deepa M. Sharma of Bengaluru
3. State of Maharashtra ...Respondents

Mr. Anand Mishra i/by Mr. Ashok M. Saraogi for the Petitioners.

Mr. Y.M. Nakhawa, APP for the Respondent–State.

Mr. Dhruv Gupta a/w Mr. Mukesh Gupta, Anita Pandey & Mr. Harekrishna Mishra for Respondent no. 2.

CORAM : REVATI MOHITE DERE &

MADHAV J. JAMDAR, JJ.

DATED : 6th SEPTEMBER 2022

P.C. :

1. Heard learned counsel for the parties.
2. The Petitioners by the present petition filed under Article 226 of the Constitution of India and under Section 482 of Code of Criminal Procedure, 1973 are seeking quashing of F.I.R. no. 380 of 2015, registered at Women Police Station, DD, Hyderabad alongwith Charge-sheet bearing Case No. CC-116/2016 pending before XIII Additional Chief Metropolitan

Magistrate Court at Hyderabad. The said F.I.R. is registered under Sections 498-A and 506 of the Indian Penal Code and Sections 4 and 6 of the Domestic Violence Act.

3. At the outset, Mr. Dhruv Gupta, learned Advocate appearing for Respondent no.2 submitted that as the F.I.R. has been registered at Hyderabad, Telangana, this Court has no jurisdiction to entertain the present Writ Petition seeking quashing of said F.I.R.

4. Mr. Anand Mishra, learned counsel appearing on behalf of the Petitioners submitted that a perusal of F.I.R. clearly show that some events have taken place in Mumbai, and hence, this Court has jurisdiction to entertain the present petition. To substantiate the said contention, learned counsel relied on the judgment of Supreme Court in the case of ***Navinchandra N. Majithia Vs. State of Maharashtra & Ors.***¹. In the said judgment, it has been held that so far as the question of territorial limits of jurisdiction with reference to the criminal offence is concerned, the main factor to be considered is the place where the alleged offence was committed. It has been further held that the mere fact that the F.I.R. was registered in a particular State is not the sole criterion to decide that no

1 2000 (7) SCC 640

cause of action has arisen, even within the territorial jurisdiction of another State.

5. Perusal of the F.I.R. clearly shows that atleast some part of cause of action has arisen in Mumbai. The relevant paragraphs in F.I.R. are paragraph nos. 6 and 13 and the same are reproduced hereinbelow for ready reference :

"6. I submit that even though my inlaws were settled in Mumbai and Sahil Bablani is working at Bangalore we are residing at Hyderabad, Sahil Bablani and his parents pressurized my parents to perform the marriage in Delhi for convenience of their relatives who were in Delhi against our proposal to perform the wedding in Aurangabad (MS). I submit that my parents in order to satisfy their demand accepted to perform the marriage in Delhi where we had no relatives or friends."

13. I submit that due to constant harassment of my husband I wanted to stay at Mumbai as my husband behaviour was very different in front of his parents. I submit that I have explained to my mother in law about all the harassments meted out by my husband and told her what had happened and my mother in law told that she had warned my husband to be in control and not to over indulge in alcohol and also keep his temper cool, but I have not found any changes in the behaviour of my husband."

6. Therefore, this is not a case where no cause of action has arisen within the territorial limits of jurisdiction of this Court. Mr. Mishra is right in contending that this Court has jurisdiction to entertain and decide the present petition.

7. As far as the merits are concerned, Mr. Mishra submitted that though the Respondent no. 2 claims to be a female, infact the birth record indicates that she was born as a male. It is submitted that due to said reason, the Petitioners have suffered tremendously and infact, they are the victims of circumstances. He submitted that as the F.I.R. is totally false, the F.I.R. is required to be quashed including all further proceedings arising from the said F.I.R./C.R..

8. Mr. Gupta, learned advocate appearing for the Respondent no. 2 submitted that the F.I.R. discloses the commission of the offences and therefore, the same should not be quashed. He submitted that the writ petition raises disputed questions of facts and therefore the same cannot be entertained.

9. Prima facie, a perusal of the F.I.R. discloses the commission of the alleged offences. It is mentioned in the F.I.R., that the parents of Respondent no. 2 were constrained to perform the marriage of the Respondent no. 2 at Delhi in a Five Star hotel to fulfill the demand of the Petitioners. The parents of Respondent no.2 are stated to have spent over

Rs.60,00,000/- (Rupees Sixty Lakhs) towards marriage expenses. As per the demand, the parents of Respondent no. 2 had given 100 tolas of gold and diamond jewellery consisting of bangles, chain, ear-rings etc. The F.I.R. also discloses instances of mis-behaviour. The husband of the Respondent no. 2 i.e. the Petitioner no.1 is alleged to have told the Respondent no. 2 that if he would have married some other girl, he would have received Rs.1.00 Crore as dowry.

10. Considering the nature of allegations made by Respondent no.2 against the Petitioners in the F.I.R., prima facie, no case is made out to quash the F.I.R.. Police have also filed charge-sheet after completing the investigation. The contentions raised by the Petitioners can be their defence which can be tested, during trial. The present case is not the fit case to come within the purview of *State of Haryana and others Vs. Ch. Bhajanlal and Ors.*². Therefore, there is no merit in the present petition. The Writ Petition deserves to be dismissed with the aforesaid observations.

11. Needless to state that the learned trial Judge to consider the case on its own merits uninfluenced by the observations made hereinabove.

2 (1992) SCC 604

12. Accordingly, the petition stands disposed of.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.

BHALCHANDRA
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