

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

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**CRM-M-2966-2022
Decided on : 04.02.2022**

Shantanu Ghosh and another

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Anuj Garg, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The petitioners are seeking quashing of FIR No. 70, dated 08.06.2021, lodged under Sections 498-A, 406, 323, 506 of IPC, registered at Police Station Women Cell, District Jalandhar (annexed as Annexure P-1) and all the subsequent proceedings arising therefrom.

Learned counsel for the petitioners submits that the FIR in question has been registered at the instance of respondent No.2 at Jalandhar with the sole motive to unnecessarily humiliate and harass the petitioners, who are her husband and mother-in-law, respectively.

It has been submitted that respondent No.2 had earlier also given two complaints against the petitioners to the police at Delhi vide Annexure P-3 (dated 07th January, 2021) and Annexure P-4 (dated 19th January, 2021), on the same set of allegations, which find reflected in the instant FIR. It has been thus submitted that since multiple complaints *qua* the same cause of action are not maintainable, the police at Jalandhar had wrongly registered the FIR in question and that too during the pendency of the aforesaid complaints, which had been given at Delhi much prior in time.

Learned counsel still further submits that as per the allegations levelled in the FIR, respondent No.2 was allegedly subjected to cruelty in her matrimonial home at Delhi, therefore, the police at Delhi alone had the jurisdiction to deal with the matter and the police at Jalandhar had exceeded its jurisdiction in registering the present FIR.

On a pointed query put to the learned counsel as to whether the police at Delhi had registered any FIR against the petitioner pursuant to the complaints i.e. Annexures P-3 & P-4, given by respondent No.2, he replied in the negative. On a further query put to the learned counsel *qua* the status of the investigation in the present FIR and as to whether the challan had been presented, he submitted that the case was still under investigation. He, however, invited the attention of this Court to the representations given by the petitioners vide Annexure P-7, (dated 06.07.2021/04.06.2021) and Annexure P-8 (dated 18.06.2021), respectively to the police authorities at Jalandhar *qua* their false implication in the case in hand.

Heard learned counsel for the petitioners and perused the material on record.

Since the investigation is still underway, this Court would loath to go into the merits or otherwise of the allegations levelled in the present FIR. It needs to be reiterated that subsequent to the lodging of an FIR, the police and the police alone has the statutory right and duty to investigate into a cognizable offence as and when it is reported, and the Courts as such, should refrain from stepping into the shoes of the investigator. Needless to add, in case the investigating agency does not find any substance in the allegations levelled, a report to the said effect would be filed by it before the Court concerned as per the procedure provided under law.

Coming to the next submissions of the learned counsel for the petitioners *qua* the police station at Jalandhar not having jurisdiction to lodge the FIR in question, as respondent No.2 had already given two complaints (Annexures P-3 & P-4, respectively) at Delhi with respect to the same allegations, which are detailed in the FIR in question, this Court does not find any merit in the same as well. It cannot be over emphasized that the police is under a statutory obligation to register an FIR on receipt of information regarding commission of a cognizable offence, irrespective of the fact that an offence may have occurred beyond its jurisdiction. It would also not be out of context to observe that an ordinary person, not well versed with the provisions of law cannot be expected to be aware about the technicalities of territorial jurisdiction etc. The role of police in criminal justice system is to provide immediate assistance to the complainant as and when it is approached. Therefore, refusal to register an FIR due to jurisdictional issues would be a travesty of justice as the aggrieved person would not only be at crossroads but also lost in the web of technicalities which could result in loss of crucial time in some cases. Still further, if during investigation the police after considering the material on record, concludes that the cause of action arose at a place beyond its jurisdiction, nothing would bar it from transferring the case to the police station, having jurisdiction in the matter.

A perusal of the allegations levelled in the present FIR reveal that respondent No.2 took refuge at her parental house in Jalandhar after being turned out of her matrimonial home in Delhi on 07.11.2021 i.e. after both the aforementioned complaints (Annexures P-3 & P-4, respectively) had been given to the police. The Hon'ble Supreme Court in **Rupali Devi**

vs. State of U.P., 2019(2) RCR (Criminal) 795, has held that a Court under whose jurisdiction a wife takes shelter after leaving her matrimonial home, as a consequence of the cruelty allegedly meted out to her, would have the jurisdiction to entertain the complaint. In the circumstances, it cannot be said that the police at Jalandhar did not have the jurisdiction to investigate into the FIR, which was registered at the instance of respondent No.2 after she shifted to Jalandhar on being thrown out of her matrimonial home on 07.11.2021, more so, when admittedly no FIR *qua* the earlier complaints given by the complainant/respondent No.2 at Delhi had been registered.

As a sequel to the above discussion, this Court is not inclined to invoke its inherent jurisdiction under Section 482 Cr.P.C. and quash the FIR in question and that too at a nascent stage.

Petition stands dismissed accordingly.

(MANJARI NEHRU KAUL)
JUDGE

February 04, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*