

CRM-M-25018-2022
Date of decision: 16.04.2024

...PETITIONERS

V/S

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. S.S. Rana, Advocate and
Mr. Arvind Kumar Sharma, Advocate with
Mr. Dipanshu Kapur, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0397 dated 14.09.2021 registered under Sections 323, 406, 498-A, 506 IPC at Police Station Ambala Cantt., District Ambala, Haryana (Annexure P-1).

2. Learned counsel for the petitioners submits that all the allegations contained in the FIR (supra) have not taken place within the territorial jurisdiction of Ambala and FIR (supra) was got lodged at Ambala, which is liable to be quashed in view of ratio of law as laid down in ***Bhura Ram and others vs. State of Rajasthan and another, 2008(2) R.C.R. (Criminal) 761.***

3. Learned counsel for respondent No.2 submits that a Three Judge Bench of Hon'ble Supreme Court in the case of ***Rupali Devi vs. State of Uttar Pradesh and others, 2019(2) R.C.R. (Criminal) 795*** has answered the reference made to it on account of diversions of views between various pronouncements on this issue and

has categorically held that Court at the place where wife takes shelter after leaving matrimonial home as a consequence of cruelty has jurisdiction to entertain the complaint alleging commission of offence under Section 498 of IPC.

In view of the above, learned counsel the petitioners wishes to withdraw the present petition and seeks liberty to raise all the pleas taken in the present petition before the learned trial Court, at the appropriate stage during the trial. However, he confines his prayer to the extent that petitioners are resident of Jalandhar, whereas the trial of the FIR (supra) is pending consideration before the competent Court of jurisdiction at Ambala and attending the trial at each and every date would cause great inconvenience and hardship to them.

3. The instant petition is dismissed as withdrawn with the liberty as prayed for. However, in view of the ratio laid down by this Court in *CRM-M-25963-2023* titled as **‘Suresh Kumar and another Vs. The State of Haryana and another’ 2023 (2) Law Herald 1498**, the personal appearance of the petitioners before the learned trial Court is ordered to be exempted, subject to the following conditions:-

- i) petitioners shall be represented through their counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute their identity as accused;
- iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel;
- v) shall appear before the trial Court as and when required; and
- vi) any other condition, which the trial Court may impose.

April 16, 2024

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(HARPREET SINGH BRAR)
JUDGE