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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31319-2024 (O&M)
Date of decision: 06.08.2024

Sanjeev Bansal

...Petitioners

Versus

Union Territory of Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pankaj Maini, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for quashing of FIR No.63 dated 04.06.2024 under Sections 406 & 498-A of IPC, registered at Police Station Women, Sector-17, Chandigarh (Annexure P-1) and all the subsequent proceedings emanating therefrom.
2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been falsely implicated in the present case. In fact, the dispute between the parties is with regard to a flat in Hero Homes, SAS Nagar,

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regarding which parents of the petitioner have instituted the proceedings under the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and thereafter, a compromise was effected between the parties and respondent No.3 withdrew her complaint before the jurisdictional police authorities on 25.10.2023. Thereafter, on the premise that the compromise has failed, she filed another complaint on 20.12.2023 for revival of the earlier complaint and on the basis of same, FIR (*supra*) has been registered on 04.06.2024.

3. Learned counsel for the petitioner has very emphatically argued that cause of action, if any, arose at Bathinda, as per case set up by respondent No.3. Admittedly, dowry articles were entrusted to father and mother of the petitioner at Bathinda and during the investigation, both of them have been found innocent. As such, the petitioner cannot be held liable for any offence under Section 406 of IPC. Learned counsel for the petitioner further relies upon judgments of the Hon'ble Supreme Court in *Y. Abraham Ajith and others Vs. Inspector of Police, Chennai and another, 2004 (3) RCR (Crl.) 988*, *Bhura Ram and others Vs. State of Rajasthan and another, 2008 (2) RCR (Crl.) 761* and *Naresh Kavarchand Khatri Vs. State of Gujarat and another, 2008 (2) RCR (Crl.) 912*, judgment of Kerala High Court in *K. Vijay Menon Vs. State of Kerala and another, 2015 (1) RCR (Crl.) 196*, judgment of Orissa High Court in *Hiralal Agarwal and others Vs. State of Orissa and another, 2006 (19) RCR (Crl.) 244* and judgment of Gujarat High Court in

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Manojkumar Prajapati Vs. State of Gujarat, 2019 (1) GujLH 668, to submit that the jurisdictional police authorities at Chandigarh lack jurisdiction and case of the petitioner is squarely covered even on facts by the judgment of the Hon'ble Apex Court in ***Naresh Kavarchand Khatri***'s case (*supra*).

4. Having heard learned counsel for the petitioner and after perusing the record with his able assistance, this Court is of the considered view that the question of jurisdiction with respect to the adjudication of matrimonial disputes has been well settled by the Hon'ble Supreme Court in ***Preeti Kumari Vs. State of Bihar and others, 2019(4) RCR (Criminal) 521, Rupali Devi Vs. State of Uttar Pradesh and others, 2019 (2) RCR (Criminal) 795*** and ***Sunita Kumari Vs. State of Uttar Pradesh and others, 2023 (1) MadWN (Criminal) 343***.

5. Pertinently, the Hon'ble Apex Court in ***Rupali Devi***'s case (*supra*) has held that it is not necessary that complaint should be filed only at the location of the matrimonial home; even the Court in whose jurisdiction the wife resides, after leaving the matrimonial home, will be competent to entertain a complaint under Section 498-A of IPC. Further, in ***Ruhi Vs. Anees Ahmed and others, 2020 (1) RCR (Criminal) 644***, it was reiterated that the Court, in whose jurisdiction the wife takes shelter, after leaving or being driven out from her matrimonial home on account of cruel treatment, would have the authority to entertain complaints alleging commission of offence punishable under Section 498-A of IPC. As such, the argument advanced by the petitioner qua the issue of jurisdiction is liable to be rejected.

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6. Furthermore, the remaining pleas taken by the petitioner, in the present petition, cannot be looked into, as veracity of the allegations levelled by the complainant is a matter of trial, on the basis of evidence adduced by the parties. Reliance in this regard can be placed on *HMT Watches Ltd. Vs. M.A. Abida, (2015) 11 SCC 776, Rathish Babu Unnikrishanan Vs. State (Govt. Of NCT of Delhi) and another, 2022 SCC Online SC 513* and *Sampelly Satyanarayana Rao Vs. Indian Renewable Energy Dev. Agency Ltd., (2014) 12 SCC 539*.

7. In view of the discussion above, present petition is dismissed being bereft of any merit.

8. All the pending miscellaneous application(s), if any, shall stand disposed of.

06.08.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No