

CRM-M-55565-2023 (O & M)
Date of decision: 07.08.2024

...PETITIONER

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

Present: Ms. Amarinder Kaur, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Aditya Sanghi, Advocate for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for quashing of FIR No.492 dated 02.12.2021 registered under Sections 323, 406, 498-A, 506 of IPC at Police Station Civil Line Sirsa, District Sirsa and all the subsequent proceedings arising therefrom including the challan dated 10.05.2023 qua the petitioner.

2. Learned counsel for the petitioner *inter alia* contends that registration of the FIR (supra) against the petitioner at Sirsa is an abuse on the process of law. The jurisdictional police authorities at Sirsa lack jurisdiction to investigate the complaint made by respondent No.2. Respondent No.2 has thrown the petitioner out of the matrimonial home. Respondent No.2 is currently residing in the matrimonial home and earlier she filed similar complaints on the same set of allegations before the police authorities in District Faridkot and admittedly, both petitioner and respondent No.2 are

resident of Kotakpura and petitioner is the victim as he has been dispossessed.



In fact, respondent No.2 is actuated by one complaint filed by the petitioner on 17.09.2021 against her, to the local police and a categorical finding is recorded in the report (Annexure P-4) that respondent No.2 has failed to substantiate the allegations of demand of dowry and no police action is warranted. As such, the FIR (supra) is required to be quashed on this ground alone. Moreover, the petitioner has already instituted a petition seeking divorce from respondent No.2.

3. *Per contra*, Mr. Aditya Sanghi, Advocate appears and filed his memo of appearance on behalf of respondent No.2. Learned counsel submits that the grievance raised by the petitioner with regard to the jurisdiction is liable to be rejected in view of the ratio of law as laid down by the Hon'ble Supreme Court in ***Preeti Kumari vs. State of Bihar and others, 2019(4), RCR (Criminal) 521*** and in ***Rupali Devi vs. State of Uttar Pradesh and others, 2019(2) R.C.R. (Criminal) 795***. The same was further reiterated by Hon'ble Supreme Court in ***Ruhi vs. Anees Ahmed and others, 2020 (1) RCR (Criminal) 644*** and ***Sunita Kumari vs. State of Uttar Pradesh and others, 2023 (1) MadWN (Criminal) 343***.

4. Learned counsel for respondent No.2 further contends that all the pleas taken by the petitioner, in the present petition, cannot be looked into as they are matter of trial and veracity of these allegations and counter allegations can be examined during the trial, on the basis of evidence adduced by the parties.

5. Learned State counsel submits that after finding sufficient evidence against the petitioner, the final report under Section 173 Cr.P.C. was submitted before the jurisdictional Court and other family members of the petitioner have been declared innocent during investigation and the trial of the



case is progressing as out of 08 witnesses cited by the prosecution, 02 have been examined.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds no force in the arguments advanced by learned counsel for the petitioner. The question of jurisdiction is well settled. The Hon’ble Apex Court in *Rupali Devi (supra)* has pertinently held that it is not necessary that complaint should be filed only at the place of matrimonial home even the Courts, at place where the wife resides after leaving the matrimonial home, will have jurisdiction to entertain the complaint under Section 498 of IPC and in *Ruhi (supra)*, it was held that the Court at the place where wife takes shelter after leaving or driven away from matrimonial home as a context of cruelty has jurisdiction to entertain the complaint alleging commission of offence under Section 498 of IPC.

7. In view of the facts and circumstances of the case, the present petition stands dismissed being bereft of any merits.

8. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

9. Pending miscellaneous application(s), if any, also stand(s) disposed of.

August 07, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |