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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58675-2024 (O&M)
Date of decision: 25.11.2024

Meenakshi Sharma and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Kumar Prashar, Advocate
for the petitioners.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking quashing of FIR
No.13 dated 17.08.2024 under Sections 406, 498-A & 120-B of the Indian
Penal Code, 1860 (for short 'IPC'), registered at Police Station NRI, Patiala,
District Patiala and all the subsequent proceedings emanating thereupon.
2. Learned counsel for the petitioners, *inter alia*, contends that the
entire allegations contained in FIR (*supra*) had taken place in Canada.
Respondent No.2 had filed a case before the jurisdictional police authorities
at Ontario in Canada, as discernible from Domestic Violence Risk



Management Report dated 20.06.2022 (Annexure P-4) and thereafter, the jurisdictional Court at Ontario (Canada) discharged the son of the petitioners from all acquisitions vide order dated 24.04.2023 (Annexure P-6) and now the FIR (*supra*) has been registered on the same set of allegations and the petitioners have been implicated only for the reason that they are parents of husband of respondent No.2. Once all the alleged incidents had taken place in Canada, in view of the provisions of Section 208 of BNSS [*erstwhile Section 188 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*], the Courts in India lack jurisdiction to take cognizance of the offence committed outside India. Learned counsel for the petitioners submits that the petitioners would be satisfied, in case all the pleadings and documents, which are annexed with the present petition, are considered by the Investigating Officer before submitting the final report under Section 193 of BNSS (*erstwhile Section 173 of Cr.P.C.*).

3. Notice of motion.

4. On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, Punjab, who is present in the Court, accepts notice on behalf of respondent No.1-State and submits that he has no objection, in case the Investigating Officer is directed to consider all the pleadings and documents, which are annexed with the present petition, before preparing the final report under Section 193 of BNSS (*erstwhile Section 173 of Cr.P.C.*).



5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance and with the consent of parties, the matter is taken up for final disposal today itself.

6. Keeping in view the aforesaid facts and circumstances, present petition is disposed of with a direction to the Investigating Officer to consider all the pleadings and documents, which are annexed with the present petition, before preparing the final report under Section 193 of BNSS (*erstwhile Section 173 of Cr.P.C.*).

7. It is clarified that in case, final report under Section 193 of BNSS (*erstwhile Section 173 of Cr.P.C.*) is against the petitioners, they would be at liberty to file a fresh petition to challenge the FIR (*supra*) as well as the final report under Section 193 of BNSS (*erstwhile Section 173 of Cr.P.C.*).

[HARPREET SINGH BRAR]
JUDGE

25.11.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No