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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2361/2024**
SMT. RENU CHAUDHARY & ANR.Petitioners
Through: **Mr.K.K.Upadhyay, Advocate**

versus

STATE OF MAHARASHTRA & ANR.Respondents
Through: **Mr.Rahul Tyagi, ASC (Crl.) with**
Mr.Vaibhav Sharma and
Mr.Abhishek Tomar, Advocates with
SI Sanjeev Lehri, P.S. Burari.

CORAM:
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

% **09.08.2024**

CRL.M.A. 23646/2024

An application under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.') has been preferred on behalf of the petitioners for early hearing of the petition.

Learned ASC for State of NCT of Delhi appears on advance notice.

Considering the facts and circumstances, application is allowed. Petition is taken up for hearing, as requested by learned counsel for petitioners.

Application is accordingly disposed of.

Next date of hearing i.e. 04.09.2024, stands cancelled.

W.P.(CRL) 2361/2024

1. Petition under Articles 226 and 227 of the Constitution of India read with Section 482 Cr.P.C. has been preferred on behalf of the petitioners with



the following prayers:

“a) allow a writ petition under Article 226 and 226 (2) of the Constitution of India read with Section 482 of Cr.P.C for issuance of a writ of mandamus ;

b) Quashing of subsequent FIR No. 278 / 2024, Police Station Manpada, District Thane, Maharashtra dated 15.02.2024 under Section 325/504/506 IPC by the respondent husband - Vinod Jaiswal, prior to NCR No.3297 /2021 dated 04.11.2021, under section 323 / 504 IPC, Police Station Manpada by complainant wife.”

2. In brief, as per the case of the petitioners, present petition arises out of matrimonial disputes between petitioner No.1 (wife) and respondent No.2 (husband). A NCR bearing NCR No.3297/2021 under Section 504 IPC is stated to have been registered at P.S. Manpada, District Thane, Mumbai by petitioner No.1 against respondent No.2. Thereafter, proceedings under Section 9 of the Hindu Marriage Act were initiated on behalf of respondent No.2 at Kalyan Maharashtra. Also proceedings under Domestic Violence Act and FIR No.0734/2022 under Sections 498A/406/34 IPC were registered at instance of petitioner No.1 (wife) at Delhi.

Present petition has been filed on behalf of petitioners for quashing of FIR No.0278/2024 under Sections 325/504/506 IPC registered at P.S. Manpada, Thane District, Mumbai registered at instance of respondent no.2 (husband) in respect of incident on 04.11.2021.

3. At the outset, it is pointed out by learned ASC for the State of NCT of Delhi though not impleaded as party, that ‘State of Maharashtra’ has been impleaded as respondent no.1 since quashing of proceedings is sought in respect of FIR registered at Maharashtra. He further points out that the



proceedings in accordance with law need to be filed at Maharashtra since no cause of action arises within jurisdiction of this Court.

4. Learned counsel for the petitioners submits that jurisdiction of this court has been invoked since petitioner No.1 wife is residing in Delhi and cannot pursue the proceedings at Mumbai.

5. It is well settled that this Court may exercise the jurisdiction under Article 226 of the Constitution of India, in case, the cause of action arises, whether wholly or in part, within jurisdiction of this Court. This court is of the considered opinion that in present case the jurisdiction for quashing of FIR No.0278/2024 under Sections 325/504/506 IPC registered at P.S.: Manpada, District Thane, Mumbai is vested with the concerned court at Maharashtra. In the facts and circumstances, petition is not maintainable and same is accordingly dismissed with liberty to the petitioners to prefer proceedings before appropriate forum in accordance with law. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J

AUGUST 9, 2024/v