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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 7134/2024**

NIKHILESH SINGH & ORS.Petitioners
Through: Mr. Akhil Solanki, Adv.

versus

VARTIKA SINGH@SAKSHIRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **25.11.2024**

1. By the present petition, the petitioners seek quashing of Complaint Case *vide* MC 810/2022 filed by the respondent before the learned Trial Court.
2. The only ground raised in the present petition at this stage is that the Courts in Dwarka do not have territorial jurisdiction. It is the case of the petitioners that the respondent resides at Ambedkar Nagar, Uttar Pradesh and has filed the complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (**DV Act**), wrongly stating that the parties are residing at Delhi and that the matrimonial house / shared household of the complainant is situated at Delhi.
3. He submits that the marriage ceremony between the parties happened at Lucknow, Uttar Pradesh and the parties thereafter resided at Chandrapur, Maharashtra.
4. He further submits that Petitioner No. 1 had also filed a petition for declaring their marriage as nullity, before the learned Senior Civil Judge, Chandrapur, Maharashtra.
5. He submits that even though the petition filed by the



petitioner seeking nullity of their marriage was transferred to the Courts in Delhi by an order passed by the Hon'ble Apex Court, however, the respondent has made wrong averments in the complaint under the DV Act only to attract jurisdiction of the Courts in Delhi.

6. The summons were issued in the complaint way back on 17.12.2022. It is informed that the matter has since proceeded.

7. It is undisputed that the learned Trial Court is competent to decide on the issue of lack of territorial jurisdiction.

8. The petitioners are at liberty to take all objections before the learned Trial Court in regard to the territorial jurisdiction or otherwise.

9. The present petition is, therefore, dismissed with liberty to the petitioner to address all arguments before the learned Trial Court.

AMIT MAHAJAN, J

NOVEMBER 25, 2024

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