



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.196/2025 IN
CRIMINAL WRIT PETITION NO.721/2024

Mahendra Gopal Yadav and 3 Ors. .Vs. Police Station, Harsud, District
Khandwa (MP), and Others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. G. D. Dani, Advocate for petitioners.
Mr. I. Damle, A.PP for respondent No.1 – State.
Mr. I. K. Dadusare, Advocate for respondent No.2.

CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.

DATE : SEPTEMBER 15, 2025

Heard.

2. By present application, respondent No.1 – State seeks permission to file charge-sheet in Crime No.78/2024 (subject matter of the petition), for an offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, 1860 (“IPC”) as also under Sections 3 and 4 of the Dowry Prohibition Act, 1961.

3. The application is opposed by the petitioner taking aid of Section 197 of the Bhartiya Nagrik Suraksha Sanhita, 2023, which provides that every offence shall ordinarily be inquired into and tried by the Court within whose jurisdiction it was committed.

4. Argument of the petitioner is that entire cause of action arose within the jurisdiction of Kamptee Police Station and, therefore, the trial should proceed before the Court at

Kamptee. Thus, it is suggested that charge-sheet could be filed only before the Court at Kamptee.

5. Learned A.P.P. has relied upon judgment of the Supreme Court in **Rupali Devi .Vs. State of Uttar Pradesh and Ors. (2019) 5 SCC 384**, where identical question arose. The Supreme Court held that Cruelty under Section 498A IPC is not confined to physical violence within the matrimonial home but extends to mental cruelty resulting from abusive, humiliating, or oppressive conduct by the husband or his relatives that compels the wife to leave and take shelter at her parental home. The mental trauma, emotional distress, and sense of helplessness she endures there are a direct consequence of the acts committed in the matrimonial household, and her inability to return due to fear of further ill treatment only aggravates her suffering. Even if physical acts of cruelty are not repeated after her relocation, the psychological effects persist and continue to torment her. Her silence too may reflect deep seated agony. Thus, the impact of cruelty, whether through physical acts, verbal humiliation, or emotional neglect, cannot be confined to the matrimonial residence but must be understood as having lasting consequences that follow the wife even in her place of shelter.

6. As could be seen, the Supreme Court held that mental health of wife by overt acts of husband or any relative, mental stress and trauma of being driven away from matrimonial home and her helplessness to go back to the

same home for fear of being ill-treated, are aspects that cannot be ignored while understanding the meaning of expression, “cruelty”, appearing in Section 498-A of the IPC. The Court further held that the emotional distress or psychological effect on the wife, if not the physical injury, is bound to continue to traumatize the wife even after she leaves the matrimonial home. The Court accordingly held that such consequence, by itself would amount to distinct offences committed at parental home or other place where she has taken shelter. Accordingly, the Supreme Court held that the Court at the place where the wife takes shelter after leaving or being driven away from the matrimonial home on account of acts of cruelty committed by husband or his relatives, would depending on the factual situation also have jurisdiction to entertain the complaint alleging commission of offence under Section 498-A of the IPC.

7. In the present case, respondent No.2 – informant has lodged report stating therein that she was mentally harassed for dowry and left matrimonial house in about 1 ½ years. She also alleged miscarriage. She suffered physical pain and accordingly called her brother to admit her in hospital. According to her, after getting discharge from hospital, she made an attempt to go back to matrimonial house but then, she was not allowed entry. Thus, she was forced to leave the matrimonial house. She started residing at her maternal uncle’s house at Harsud.

8. In such set of facts, in our view, Court at Harsud, within whose jurisdiction the shelter of respondent No.2 is situated, has jurisdiction to try the offence.

9. At this stage, learned counsel for petitioner submits that respondent No.2 never resided at Harsud. He further submits that respondent No.2 has filed complaint against the petitioner under the Protection of Women From Domestic Violence Act, 2005. The complaint has been filed at Harsud. The counsel further submits that she had given oral report before the Protection Officer admitting that she is residing at the parental house, which according to the petitioner is situated at Kanhan.

10. This submission has been countered by counsel for respondent No.2 stating that respondent No.2's mother has expired long back. Her father is not keeping well. He further submits that since her father is not keeping well, she took shelter with her maternal uncle who is residing at Harsud. Thus, it appears that respondent No.2 stayed at her maternal uncle's place also.

11. Learned counsel for petitioners then submits that the petitioner has filed proceeding under Section 13 (1) (ia) and (ib) of the Hindu Marriage Act, 1955 before the Court of Civil Judge Junior Division, Nagpur, seeking divorce. Respondent No.2, filed Registered Address stating her residence at Kanhan. The registered address was filed on 17.03.2025.

12. Counsel for respondent No.2 submits that the address has been given in terms of Order VI Rule 14A of the Civil Procedure Code, 1908.

13. Order VI Rule 14A provides that the party shall furnish its address along with the pleading for the purpose of service of all processes in the proceedings. Thus, the provision stipulates furnishing address for the purpose of service of notice. Such fact cannot be said to be a proof of actual residence or shelter taken by the respondent No.2.

14. It is worth mentioning here that the FIR has been lodged on 04.03.2024 and while lodging the FIR, respondent No.2 made a categorical statement that she is residing at Harsud with her maternal uncle. That being so, only on the basis of registered address furnished by respondent No.2 for the purpose of service of notice cannot be said to be a proof of her residence at Kanhan. The objection is accordingly rejected.

15. Learned counsel for the petitioner has then invited our attention to the written statement filed by respondent no.2 in the proceeding under the provisions of Hindu Marriage Act, 1955. In the written statement, under the head of "Solemn Affirmation", respondent No.2 has given her address as, "r/o c/o Rajesh Yadav, Kanhan, Parsheoni". This document has been signed on 19.07.2025.

16. Thus, what could be gathered from said document is that on 19.07.2025, respondent No.2 was residing at

Kanhan. Such status, by itself, would not mean that her address, prior to 19.07.2025 was Kanhan. It appears that respondent No.2 has taken shelter at various places, one of which is at Harsud. It is, for this reason, that in some documents she has mentioned her address at Kanhan and in other documents as Harsud.

17. That being so, it cannot be said that the Court at Harsud will have no jurisdiction to try the offence under question.

18. Accordingly, we allow the application. Respondent No.1 shall file charge-sheet before Harsud Court within three weeks from today.

19. The application is disposed of.

Criminal Writ Petition No.721/2024

In view of above development, learned counsel for petitioner shall take instructions whether to pursue the cause.

2. List in the week commencing from 06.10.2025.

(Siddheshwar S. Thombre,J.)

(Anil L. Pansare, J.)