



CWP-12686-2025(O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP-12686-2025(O&M)
Decided on : 15.07.2025**

RANI ALIAS RANI KAUR AND OTHERS

... Petitioner(s)

Versus

STATE OF OF PUNJAB AND OTHERS

... Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Abhiraj Singh Baweja, Advocate
for the petitioner(s).

Ms. Guramrit Kaur, DAG, Punjab.

KIRTI SINGH, J. (Oral)

Prayer in the present petition filed under Articles 226/227 is for issuance of writ of certiorari for quashing of FIR No.0031 dated 23.02.2025 (Annexure P-1) under Sections 85 and 316(2) of BNS, registered at Police Station Technocity, Kolkata; and also writ of mandamus directing the official respondents to not to harass the petitioners and take legal action against the complainant/respondent No.3.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners, who are permanent residents of the State of Punjab, have been falsely implicated in above-said FIR. It is urged that the entire narrative as set out in the complaint is patently false and concocted. In particular, it is submitted that petitioners No. 1 to 4 have never even visited Kolkata, nor do they bear any connection whatsoever with respondent No. 3. The alleged matrimonial relationship between petitioner No. 5 and respondent No. 3 is itself a contested



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claim, as the latter was admittedly already married and has three children. Learned counsel further submits that even on a plain reading of the FIR, no offence as alleged is made out, and continuation of criminal proceedings pursuant thereto would amount to an abuse of the process of law. Reliance is thereafter placed on the judgment of the Hon'ble Supreme Court in *Navinchandra N. Majithia v. State of Maharashtra, Criminal Appeal No.874 of 2000 dated 16.10.2000*, to assert that part of the cause of action having arisen in Punjab, this Court would have jurisdiction to entertain the present petition under Article 226(2) of the Constitution of India.

3. Per contra, learned state counsel has raised a preliminary objection with respect to the maintainability of the present petition, contending that the alleged occurrences are stated to have taken place in Kolkata, beyond the contours of the jurisdiction of this Court.

4. Having heard learned counsel and perused the record, this Court is of the considered view that the petition as framed is not maintainable before this Court.

5. On a pointed query put to learned counsel as to whether the FIR in question has been registered within the territorial jurisdiction of this Court, the answer is in the negative.

6. The FIR impugned in the present petition stands registered in Kolkata, West Bengal. The offences alleged have occurred, if at all, within the territorial jurisdiction of the State of West Bengal. Mere residence of the petitioners in Punjab, absent any foundational facts or actions attributable to the respondent-State within this jurisdiction, would not be sufficient to invoke the



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jurisdiction of this Court. The plea of harassment or inconvenience, howsoever asserted, cannot by itself constitute part of the cause of action in the absence of any direct nexus between the alleged offence and the territory of this Court. Furthermore, the reliance placed on Majithia (supra) is misplaced. Relevant portion of the same reads thus:

“43. We make it clear that the mere fact that FIR was registered in a particular State is not the sole criterion to decide that no cause of action has arisen even partly within the territorial limits of jurisdiction of another State, Nor are we to be understood that any person can create a fake cause of action or even concoct one by simply jutting into the territorial limits of another State or by making a sojour or even a permanent residence therein. The place of residence of the person moving a High Court is not the criterion to determine the contours of the cause of action in that particular writ petition. The High Court before which the writ petition is filed must ascertain whether any part of the cause of action has arisen within the territorial limits of its jurisdiction. It depends upon the facts in each case. ”

7. The aforesaid judgment cannot be read to imply that every alleged repercussion of a remotely connected event occurring outside the State would suffice to confer jurisdiction upon this Court. The phrase "cause of action" as used in Article 226(2) must have a proximate and direct connection with the subject matter of the lis and not a tenuous or incidental consequence thereof.

8. Accordingly, the petition is dismissed as not maintainable before this Court. However, the petitioners are at liberty to approach the appropriate forum in accordance with law.

Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

15.07.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No