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IN THE HIGH COURT OF DELHI AT NEW DELHI
CRL.M.C. 589/2025, CRL.M.A. 2852/2025 &
CRL.M.A. 21997/2025

RACHIT DEV & ORS.

.....Petitioners

Through: Mr. Vikas Azad, Adv.
Petitioners (through VC)

versus

STATE GOVT. OF NCT OF DELHI
AND ANR.

.....Respondents

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Upendra Kumar, PS-
Laxmi Nagar
Mr. Manoj Singh, Adv. for
R2

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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30.07.2025

1. The present petition is filed seeking quashing of FIR No. 584/2022 ('FIR') dated 06.12.2022 registered at Police Station Laxmi Nagar for the offences under Sections 498A/406/34 of the Indian Penal Code, 1860 ('IPC').
 2. The FIR was registered on a complaint given by Respondent No. 2 alleging that she was subjected to cruelty in relation to demands of dowry at the hands of the petitioners. It is alleged that in the month of July, 2016, Petitioner No. 1 approached Respondent No. 2 through a matrimonial website - shaadi.com. It is alleged that the marriage was initially called off on account of the non-fulfilment of the demand of dowry by the family of Respondent No. 2. It is alleged that thereafter Petitioner No. 1 again approached Respondent No. 2 and proposed her for marriage whereafter the marriage between Petitioner No. 1 and
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Respondent No. 2 was solemnised on 02.12.2016.

3. It is stated that after the solemnisation of the marriage, Respondent No. 2 resided with Petitioner No. 1 in a rented accommodation in Lotus Boulevard, Sector 100, Noida in which locality Petitioner Nos. 2-3 (parents of Petitioner No. 1) had already been residing. It is alleged that when Respondent No. 2 reached her matrimonial house, Petitioner Nos. 2-3 expressed their displeasure over the items received as 'gifts' in the marriage ceremony.

4. It is alleged that the petitioners tasked Respondent No. 2 to bear the expenses of the family and abused and misbehaved with her on petty issues. It is alleged that Petitioner No. 1, on one occasion, demanded a sum of ₹20 lakhs from Respondent No. 2 to pursue further education, and misbehaved with her upon the non-fulfilment of the said demand. It is alleged that Respondent No. 2 was constantly subjected to torture and harassment at the hands of the petitioners on her non-fulfilment of the financial demands raised by the petitioners. The same culminated into the registration of the FIR.

5. It is stated that at the time of the registration of FIR, Respondent No. 2 along with her 10-month-old daughter were residing at Respondent No.2's parental home in Laxmi Nagar after she was left astray by Petitioner No. 1 upon the expiry of the lease deed of their rented accommodation in Noida.

6. The learned counsel for the petitioner submits that the present FIR ought to be quashed for want of territorial jurisdiction. He submits that the FIR was registered at Police Station Laxmi Nagar, however, as per Respondent No. 2's own case, she had been living with Petitioner No. 1 at Noida ever since the solemnisation of the marriage between the parties. He



submits that Petitioner No. 1 initially filed a complaint against Respondent No. 2 for threatening the petitioners on 21.01.2022 pursuant to which the parties were called to settle their disputes through mediation. He submits that the parties had initially entered into a compromise on 07.03.2022. He submits that despite the same, Respondent No. 2 failed to honour the terms of the settlement, and also refused to participate in further mediation proceedings. He submits that consequently the mediation between the parties failed on 22.04.2022. He submits that the present FIR is only a counterblast to the complaint filed by Petitioner No. 1.

7. He submits that Petitioner No. 1 also filed a petition under the Guardians and Wards Act, 1980 before the learned Family Court, Gautam Budh Nagar, Uttar Pradesh being G.W. Petition No. 12/2023 and in her written statement as well Respondent No. 2 stated that she was residing in Noida.

8. He submits that even otherwise, Respondent No. 2 since the inception of her marriage with Petitioner No. 1 had been residing with him in Noida. He submits that even at the time when the parties were in the midst of mediation, the address of Respondent No. 2 as reflected in the compromise dated 07.03.2022 was Lotus Boulevard, Sector – 100, Noida. He submits that thereafter, Respondent No. 2 shifted to her company accommodation in BHEL Township, Noida. He submits that the response to the RTI filed by Petitioner No. 1 reflects that Respondent No. 2 had been allotted company accommodation in BHEL Township, Noida in March, 2022. He consequently submits that the present FIR is liable to be quashed for want of territorial jurisdiction.

9. *Per contra*, the learned counsel for Respondent No. 2



submits that the grounds agitated by the petitioners are without any merit. He submits that Respondent No. 2 though lived with Petitioner No. 1 in a rented accommodation in Noida after the solemnisation of their marriage, she was constrained to move to her parental home after Petitioner No. 1 left Respondent No. 2 to fend for herself upon the expiry of the lease deed of their rented accommodation in Noida in March, 2022. He submits that while Respondent No. 2 did apply for company accommodation in BHEL Township, Noida, the same as manifest in the FIR, was done with the consent of Petitioner No. 1.

10. He submits that Respondent No. 2, in her statement under Section 161 of the Code of Criminal Procedure, 1973 has categorically stated that she had been residing in her parental home in Laxmi Nagar. He submits that the Courts situated at the place where the wife takes shelter after leaving her matrimonial home on account of cruelty possess jurisdiction to entertain complaints under Section 498A of the IPC. He consequently prays that the present petition is without any merit and is liable to be dismissed.

11. I have heard the counsel and perused the record. The short point for determination by this Court is whether the FIR is liable to be quashed on account of want of territorial jurisdiction.

12. From a perusal of the record, it is borne out that the parties have been embroiled in matrimonial disputes. The FIR was registered on a complaint given by Respondent No. 2 alleging that she was subjected to cruelty at the hands of the petitioners. The record reveals that some time prior to the registration of the FIR, Respondent No. 2 was residing with Petitioner No. 1 in Noida.

13. It has been urged by the learned counsel for the petitioner



that Respondent No. 2 right from the time of the inception of the marriage between Petitioner No. 1 and Respondent No. 2 had been residing in Noida. It is also contended that thereafter Respondent No. 2 shifted to company accommodation in BHEL Township Noida in March, 2022. It has consequently been argued that no complaint could have been preferred by Respondent No. 2 before the Police Station Laxmi Nagar.

14. It is pertinent to note that prior to the registration of the FIR, a complaint was filed by Petitioner No. 1 against Respondent No. 2 on 21.01.2022 alleging that Respondent No.2 had been threatening the petitioners to implicate them in false cases. Pursuant to the said complaint preferred by Petitioner No. 1, the parties were called to settle their disputes through mediation. The Mediation/Conciliation Report dated 07.03.2022 reflects the address of Petitioner No. 1 as a resident of R/o 3002 A/38, Beadon Pura, Karol Bagh New Delhi - 110005. It is the case of Respondent No. 2 that thereafter, she started residing with her 10-month-old daughter in her parental home in Laxmi Nagar.

15. It is pertinent to note that the cause of action to give the present complaint continued while Respondent No. 2 took shelter in her parental home in Laxmi Nagar. In that light, the Hon'ble Apex Court in the case of **Rupali Devi v. State of U.P. : (2019) 5 SCC 384** while delineating the scope of the term 'cruelty' as defined under Section 498A of the IPC, and the jurisdiction of the Courts where the wife takes shelter after leaving or being driven away from her matrimonial home on account of cruelty committed by the husband or his relatives to entertain a complaint alleging the commission of offence under Section 498A of the IPC had observed as under:



“14. “Cruelty” which is the crux of the offence under Section 498-A IPC is defined in Black’s Law Dictionary to mean “the intentional and malicious infliction of mental or physical suffering on a living creature, esp. a human; abusive treatment; outrage (abuse, inhuman treatment, indignity)”. Cruelty can be both physical or mental cruelty. The impact on the mental health of the wife by overt acts on the part of the husband or his relatives; the mental stress and trauma of being driven away from the 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 the expression “cruelty” appearing in Section 498-A of the Penal Code. The emotional distress or psychological effect on the wife, if not the physical injury, is bound to continue to traumatise the wife even after she leaves the matrimonial home and takes shelter at the parental home. Even if the acts of physical cruelty committed in the matrimonial house may have ceased and such acts do not occur at the parental home, there can be no doubt that the mental trauma and the psychological distress caused by the acts of the husband including verbal exchanges, if any, that had compelled the wife to leave the matrimonial home and take shelter with her parents would continue to persist at the parental home. Mental cruelty borne out of physical cruelty or abusive and humiliating verbal exchanges would continue in the parental home even though there may not be any overt act of physical cruelty at such place.

15. The Protection of Women from Domestic Violence Act, as the object behind its enactment would indicate, is to provide a civil remedy to victims of domestic violence as against the remedy in criminal law which is what is provided under Section 498-A of the Penal Code. The definition of “domestic violence” in the Protection of Women from Domestic Violence Act, 2005 contemplates harm or injuries that endanger the health, safety, life, limb or well-being, whether mental or physical, as well as emotional abuse. The said definition would certainly, for reasons stated above, have a close connection with Explanations (a) & (b) to Section 498-A of the Penal Code which define “cruelty”. The provisions contained in Section 498-A of the Penal Code, undoubtedly, encompass both mental as well as the physical well-being of the wife. Even the silence of the wife may have an underlying element of an emotional distress and mental agony. Her sufferings at the parental home though may be directly attributable to commission of acts of cruelty by the husband at the matrimonial home would, undoubtedly, be the consequences of the acts committed at the matrimonial home. Such consequences, by itself, would amount to distinct offences committed at the parental home where she has taken shelter. The adverse effects on the mental health in the parental home though on account of the acts committed in



the matrimonial home would in our considered view, amount to commission of cruelty within the meaning of Section 498-A at the parental home. The consequences of the cruelty committed at the matrimonial home results in repeated offences being committed at the parental home. This is the kind of offences contemplated under Section 179 CrPC which would squarely be applicable to the present case as an answer to the question raised.

16. We, therefore, hold that the courts at the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, would, dependent on the factual situation, also have jurisdiction to entertain a complaint alleging commission of offences under Section 498-A of the Penal Code.”

16. In the present case, Respondent No. 2 has alleged that she was subjected to cruelty at the hands of the petitioners. The record reveals that in her complaint as well as her statement under Section 161 of the CrPC as well, Respondent No. 2 stated that she was residing with her father in her parental home in Laxmi Nagar at the time when the FIR was registered. While the record indicates that sometime prior to the registration of the FIR, and during the continuance of the mediation proceedings, Respondent No. 2 was residing in Noida, however, the same does not obliterate the fact that at the time when the FIR was registered, Respondent No. 2 stated to have taken shelter in her parental home in Laxmi Nagar.

17. Whether the present FIR as alleged by the petitioners was filed as a counterblast to the complaint preferred by Petitioner No. 1 or not would be seen during the course of trial, however, the same does not wipe out the fact that the present FIR was filed by Respondent No. 2 while taking shelter in her parental home in Laxmi Nagar after allegedly being driven away from her matrimonial home, which in the light of the decision of the Hon'ble Apex Court in ***Rupali Devi v. State of U.P. (supra)*** can



be maintained. The same, at this stage, does not qualify as a ground to quash the FIR.

18. The present petition is accordingly dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J

JULY 30, 2025