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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 338/2025 & CRL.M.A. 2902/2025**

DEEPAK SATISH CHANDRA SHARMAPetitioner
Through: **Mr. Yash Mishra and Mr. Siddhant Kumar, Advocates**

versus

STATE OF NCT DELHI & ORS.Respondents
Through: **Ms. Rupali Bandhopadhyaya, ASC for State with Mr. Abhijeet Kumar and Mr. Anurag Arora, Advocates with ASI Jitendra Kumar, PS: Bhajanpura and SI Raj Kumar, CAW Cell**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 27.02.2025

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking the following prayers: -

“a) Issue an appropriate writ, directing the Respondent no. 1,3,4 and 5 to investigate and enquire against the transfer of complaint leading to reopening or reviving the CAW complaint via later dated 30.08.2024.

b) Direct the Respondent no. 1,3,4 and 5 to investigate and verify the valid present address in Delhi of the Respondent no.2 and also to supply the address wherein the Respondent No. 2 is currently residing.”

2. Notice in this petition was issued on 30.01.2025.

3. SHO Bhajanpura and I/C, CAW Cell, North-East District, Delhi have filed their respective Status Reports.

4. The relevant portion of the Status Report filed by the I/C, CAW Cell reads as under:



“7. It is humbly submitted that marriage between the complainant Sonal Shukla and Petitioner Deepak Sharma was solemnized at Bhopal and whole incident happened at Mumbai and it is complainant Sonal Shukla’s second marriage without getting divorce from her first marriage. Divorce proceedings of first marriage of the complainant is pending in Singapore. On 26.09.2024 a legal opinion was obtained from the legal consultant to Delhi Police regarding validation of second marriage and jurisdiction of offence.

8. It is submitted that as per the opinion by the legal consultant, second marriage of complainant Sonal Shukla and Petitioner Deepak Sharma is invalid and illegal as per Hindu rites and rituals. Complainant Sonal Shukla was advised to proceed with the police station for appropriate charge of causing hurt / criminal breach of trust and cheating.

9. That again on 14/10/2024, legal opinion regarding jurisdiction was obtained as Petitioner Deepak Sharma and complainant Sonal Shukla never lived together in Delhi and the complainant is living in Delhi on rented address after filing complaint.

10. Further it is submitted that as per opinion by the legal consultant and as per the fact and circumstance of the matter the marriage of the victim with the suspect is invalid. The CAW cannot recommend the registration of FIR. Therefore, the concerned police station can take the action on the same and register the FIR if cognizable offence is committed.

11. That during enquiry complainant Sonal Shukla gave rent agreement of Bhajanpura address and whole complaint file was sent to PS Bhajanpura for further necessary action/enquiry. ASI Jitender, PS Bhajanpura obtained legal opinion regarding jurisdiction and legal consultant opined that offence prima-facie is not committed within the jurisdiction of PS Bhajanpura nor in Delhi. The offence if any committed as per the facts falls in the jurisdiction of Mumbai, Maharashtra.

12. On 22/11/2024 complaint file of complainant Sonal Shukla was received back in CAW Cell/NED and then on 10/12/2024 vide No. 1619/R-CAW Cell /NE it was sent to SSP, Bhopal, Madhya Pradesh for further necessary action/enquiry.”

(Emphasis supplied)

5. The relevant portion of the Status Report of SHO, Bhajanpura reads as under:



“1. It is humbly submitted that the complaint of Sonal Shukla D/o Banshi Lal R/o C-4/38 Yamuna Vihar Delhi was received at PS Bhajanpura, Delhi from CAW cell vide diary No. 29-CAW Dated 12.11.2024 R/SO Bhajanpura, Delhi.

2. That as per the gist of complaint, complainant Sonal Shukla D/o Banshi Lal got married to Deepak Satish Chandra Sharma (Petitioner herein) on 14.05.2021, in Hotel Krishnayan Danish Kunj, Kollar Road, Bhopal, Madhya Pradesh and it was second marriage of complainant. It is also found that complainant was not divorced at the time of her second marriage.

3. That on the said complaint, legal opinion was also taken from Legal advisor and as per legal opinion “complainant is having her alleged matrimonial home in Mumbai and according to her she has handed over all her jewelry at Mumbai where her alleged in-laws were residing therefore the facts of the complaint shows that the offence prima-facie is not committed within the jurisdiction of PS Bhajanpura or in Delhi. The offence if any is committed as per the facts in the jurisdiction of Mumbai, Maharashtra.”

4. That after taking legal opinion above mentioned complaint was transferred to CAW cell on 22.11.2024.”

(Emphasis supplied)

6. Learned counsel for the Petitioner states that the aforesaid Status Reports filed by the Police Authorities substantiate the contention of the Petitioner that the jurisdiction of the police at Delhi was wrongly invoked by the Respondent No. 2.

7. In the considered opinion of this Court the prayers sought in this petition stand satisfied. The assertion of the Petitioner that Respondent No. 2 was not residing in Delhi has already been opined upon by the Police Authorities in his favour. There is no further relief that can be granted in this petition.

8. The Petitioner is at liberty to avail his remedies against Respondent No. 2 in accordance with law as also rely upon the above-mentioned Status Reports, as and when Respondent no. 2 approaches the Courts at Bhopal.



9. Accordingly, the present petition stands disposed of, along with pending application if any.

MANMEET PRITAM SINGH ARORA, J
FEBRUARY 27, 2025/rhc/sk