



2025:DHC:11630



IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Judgment reserved on :18th September, 2025*
Judgment delivered on :19th December, 2025

+ **CRL.REV.P. 907/2023 & CRL.M.A. 30857/2023**

H Petitioner

versus

STATE GOVT OF NCT OF DELHI & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Akhilesh Pandey, Adv.

For the Respondents : Mr. Raj Kumar, APP for the State.

SI Akash Kumar, PS Bhajanpura.

Mr. Naveen Single, Mr. Prashant Mahadev,

Mr. Yogesh Grover, Adv. for R Nos. 2-6
through V.C.

CORAM

HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present petition was filed under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 ('CrPC') for setting aside the order dated 28.04.2023 (hereafter '**impugned order**') passed by the learned Additional Sessions Judge ('ASJ'), East, Karkardooma Courts in SC No. 750/2021 arising out of FIR No. 184/2021 registered at Police Station Bhajan Pura for offences under Sections 498A/406/376/34 of the Indian Penal Code, 1860 ('IPC') and Sections 3/4 of the Dowry Prohibition Act, 1961 ('DP Act').

2. Succinctly stated, the marriage between the petitioner and Respondent No.2 was solemnized on 20.01.2020, thereafter she started



2025:DHC:11630



living in her matrimonial home in Jhajjar, Haryana, where the alleged offences took place. The present FIR was registered in Delhi, where the petitioner has been residing with her parents, after leaving her matrimonial home. The relevant extracts of the FIR have been reproduced herein below:

“...On 20-01-2020, I got married with Kartik Drall S/o Sh. Bhagwan Drall R/o House no.292/2011 Dayanand Nagar Bahadurgarh Jhajjar...

...My husband and my father in-law had taken me to their house after the marriage. But they were not happy with me from the very beginning. They were taunting me for bringing the less and below standard dowry items. My life became hell...

...In March 2020, two months after my marriage, I got the information from the friends of my husband that Kartik was already married and he was having a son of seven years old. My marriage with him was his third marriage. I got huge shocked to know that Kartik did not get divorce from his first wife...

...My mother Inlaw, father In- law and sister In-law got removed my jewelry force fully and retain it with them in their possession. Whenever, I asked my Jewelry, they clearly refused to give and those jewelry were kept by my mother in law and sister in law in their possession. Thereafter my In-laws behaved cruelly with me. My In-laws started extending mental and physical cruelty upon me. They stopped giving me food. Some time, they give food to me in the morning, sometime in the evening. My husband and my mother In-law thrashed me many times on the instigation of my sister in law...

...On 27/11/2023 my husband picked severe fight with me and asked me to tell my mother Kirshna Devi to transfer the house situated at Bahadurgarh in the name of Kartik. I objected the same, on that Kartik started thrashing me. He started putting pressure upon me to bring 20 lakh rupees from my parents and told that 20 lakh rupees was needed to secure Government job. When I refused to accept anything like that, my mother In law, sister In-law and husband collectively used abusing language against me and thrashed me...

*...My husband never made physical relation with me. **My husband forced me to eat cake and pastries and after eating the same, I use to become unconscious/semi-conscious. Thereafter, my father***



2025:DHC:11630



In-law (Bhagwan Drall) and brother In-law (Manjeet) raped me. After gaining my consciousness, I told this to my mother In-law, husband and sister In-law. On that they thrashed me and threatened me that if I wish to remain in their house. I have to bear all that I and they further threatened me that if I tell this to any one, they will kill me. I got so scared that I could not tell that to anybody. The wrong act has been done to me many times. Due to this, I came into the grip of vaginal infection. My In-laws did not take me to any Doctor and my situation deteriorated day by day. On 28/03/2020 my health was deteriorated severely. On that my father In-law left me to my parents' house. Since then, I have been living in my mother's house. I got treatment from Delhi Nursing Home and Janakpuri Godiya women Hospital by my maternal side...

...I have beard physical and mental suffering to save my married life. But my In-laws have treated me worse than animals I tried to convince to my husband but he told that if H victim stays in matrimonial house, he will kill me and would not leave me. My entire dowry articles and all the jewelry are with my in laws, which have been misused by them...

...Sir, there is a threat for my life and my belongings in the hand of my husband, father In-law, sister In-law and brother In-law. So, I have been staying with my parents for my security...

(emphasis supplied)

3. After the completion of the investigation, chargesheet was filed against Respondent Nos. 2, 3 & 5 for the offences under Sections 498A/406/376/34 of the IPC and Sections 3/4 of the DP Act. Respondent Nos. 4 & 6 were charge sheeted for offences punishable under Sections 498A/406/323/506/34 of the IPC and under Sections 3/4 of the DP Act. Respondent No. 3 is the father in law of the petitioner, Respondent No.4 is the mother in law of the petitioner, Respondent No.5 is the brother in law of the petitioner and Respondent No.6 is the sister in law of the petitioner.

4. By the impugned order, the learned ASJ discharged Respondent Nos. 3 & 5 of the offences under Sections 376 of the IPC on the



2025:DHC:11630



ground of lack of territorial jurisdiction, with the liberty to the State to proceed with the prosecution against the accused persons before the appropriate court.

5. It was noted that the petitioner has alleged that she was raped at her matrimonial house at Bahadurgarh, Jhajjar, Haryana and no such incident has been alleged to have taken place within the territorial jurisdiction of the Learned ASJ.

6. It was further noted that the alleged offences of dowry harassment, criminal intimidation and causing hurt cannot be said to be connected with the alleged incidents of rape as one series of acts so as to form the part of the same transaction and to confer territorial jurisdiction upon the court qua the offence of rape.

7. The learned ASJ noted that the remaining offences punishable under Sections 498A/406/323/506/34 of the IPC and Sections 3/4 of the DP Act are triable by the Magistrate and directed that the file be sent to the court of Learned Chief Metropolitan Magistrate, North East, Karkardooma Courts, Delhi with directions to either try the case himself or assign/transfer the case to the competent Magistrate having jurisdiction.

8. The learned Magistrate *vide* order dated 02.05.2023, framed charges against Respondent Nos. 2,3,4 & 6 for the offences under Sections 498A/406/34 of the IPC and Section 3/4 of the DP Act. The learned Magistrate discharged Respondent No.5 noting that there are no specific allegations against him regarding cruelty/harassment upon



2025:DHC:11630



the complainant or entrustment of stridhan articles with Respondent No.5 which he did not return.

9. The learned counsel for the petitioner submitted that the learned ASJ has discharged Respondent Nos. 3 & 5 of the offence under Section 376 of the IPC, despite the petitioner making specific allegations of rape against them solely on the technical ground of lack of territorial jurisdiction, which is against the interest of justice.

10. He submitted that the acts of rape committed upon the petitioner are an extension of and in furtherance of the entire set of allegations of the offences under Sections 498A/406/34 of the IPC and Sections 3/4 of the DP Act and form part of the same circumstances and chain of events.

11. He submitted that no investigation has been carried out by the investigating officer in respect of the specific allegations made by the petitioner regarding Respondent No.2 having been previously married and not divorced at the time of their marriage. He submitted that the petitioner had also lodged a formal complaint against the investigating officer before the Commissioner of Police regarding the same, however, no action was taken. He further submitted that the learned ASJ erred in not directing further investigation under Section 173(8) of the CrPC regarding Respondent No.2's alleged previous marriages.

12. *Per Contra*, the learned counsel for Respondent Nos. 2 to 6 submitted that the impugned order is well reasoned and warrants no interference by this Court. He submitted that the issue involved in the present case is squarely covered by the judgment of the Hon'ble



2025:DHC:11630



Supreme Court in *Ms. Pxx. v. State of Uttarakhand and Anr: Criminal Appeal No. 903 of 2022* where the accused was discharged of the offence under Section 376 of the IPC for want of territorial jurisdiction, where the alleged offence of rape and other alleged offences did not fall into the ambit of ‘one series of acts so connected together so as to form the same transaction for the purpose of trial together in terms of Section 220 of the CrPC.

Analysis

13. The scope of interference by the High Court while exercising revisional jurisdiction in a challenge to an order framing charge/discharge is well settled. The power ought to be exercised sparingly, in the interest of justice. It is not open to the Court to misconstrue the revisional proceedings as an appeal and reappreciate the evidence unless any glaring perversity is brought to its notice.

14. Since the petitioner has assailed the impugned order whereby Respondent Nos. 3 & 5 were discharged of the offences under Sections 376 of the IPC on the ground of lack of territorial jurisdiction, it will be apposite to succinctly discuss the statutory law with respect to jurisdiction in terms of the CrPC. The relevant Sections dealing with the aspect of jurisdiction are set out below:

“177. Ordinary place of inquiry and trial.—Every offence shall ordinarily be inquired into and tried by a Court within whose local jurisdiction it was committed.

*178. Place of inquiry or trial.—(a) When it is uncertain in which of several local areas an offence was committed, or
(b) where an offence is committed partly in one local area and partly in another, or*



2025:DHC:11630



(c) where an offence is a continuing one, and continues to be committed in more local areas than one, or
(d) where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

179. Offence triable where act is done or consequence ensues.—When an act is an offence by reason of anything which has been done and of a consequence which has ensued, the offence may be inquired into or tried by a Court within whose local jurisdiction such thing has been done or such consequence has ensued.

180. Place of trial where act is an offence by reason of relation to other offence.—When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, the first-mentioned offence may be inquired into or tried by a Court within whose local jurisdiction either act was done.

184. Place of trial for offences triable together.—Where—
(a) the offences committed by any person are such that he may be charged with, and tried at one trial for, each such offence by virtue of the provisions of Section 219, Section 220 or Section 221, or
(b) the offence or offences committed by several persons are such that they may be charged with and tried together by virtue of the provisions of Section 223,
the offences may be inquired into or tried by any Court competent to inquire into or try any of the offences.

218. Separate charges for distinct offences.—(1) For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately:

Provided that where the accused person, by an application in writing, so desires and the Magistrate is of opinion that such person is not likely to be prejudiced thereby, the Magistrate may try together all or any number of the charges framed against such person.

(2) Nothing in sub-section (1) shall affect the operation of the provisions of Sections 219, 220, 221 and 223.

220. Trial for more than one offence.—(1) If, in one series of acts so connected together as to form the same transaction, more



2025:DHC:11630



offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

(2) When a person charged with one or more offences of criminal breach of trust or dishonest misappropriation of property as provided in sub-section (2) of Section 212 or in sub-section (1) of Section 219, is accused of committing, for the purpose of facilitating or concealing the commission of that offence or those offences, one or more offences of falsification of accounts, he may be charged with, and tried at one trial for, every such offence.

(3) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences.

(4) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for the offence constituted by such acts when combined, and for any offence constituted by any one, or more, of such acts.

(5) Nothing contained in this section shall affect Section 71 of the Indian Penal Code (45 of 1860)."

15. It is clear that ordinarily, the offence is tried by the Court within whose local jurisdiction it was committed. Section 178 of the CrPC creates an exception to the "ordinary rule" in Section 177 of the CrPC by permitting the courts in another local area where the offence is partly committed to take cognizance. Additionally, if the offence committed in one local area continues in another local area, the courts in the latter place would be competent to take cognizance of the matter.

16. Under Section 179 of the CrPC, if by reason of the consequences emanating from a criminal act an offence is occasioned in another jurisdiction, the court in that jurisdiction would also be competent to take cognizance. Thus, if an offence is committed partly



2025:DHC:11630



in one place and partly in another; or if the offence is a continuing offence or where the consequences of a criminal act result in an offence being committed at another place, the exception to the “ordinary rule” would be attracted and the courts within whose jurisdiction the criminal act is committed will cease to have exclusive jurisdiction to try the offence.

17. Section 220 of the CrPC provides that a person may be charged for, and tried at one trial, for more offences than one, if such offences are committed in one series of acts so connected together as to form the same transaction. Section 184 further provides when the offences committed by any person are such that he may be charged with, and tried at one trial for, each such offence by virtue of the provisions of Section 220 of the CrPC, such offences may be inquired into or tried by any Court competent to inquire into or try any of the offences.

18. The allegations in the present case against Respondent Nos. 3 & 5 consist of offences under Sections 498A/406/376/34 of the IPC and Sections 3/4 of the DP Act. All the alleged offences in the present case have been stated to have been committed in the matrimonial home of the petitioner, which is situated in Haryana.

19. The Hon’ble Apex Court, in the case of ***Rupali Devi vs. State of U.P. : (2019) 5 SCC 384***, has observed that the courts 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 the husband or his relatives, can also have jurisdiction to entertain a complaint alleging commission of offences under Section 498A of the



IPC. The relevant paragraphs of the judgment have been reproduced herein below:

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-



2025:DHC:11630



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.

20. In the present case, the complaint has been made by the petitioner after taking refuge in her parents' home in Delhi upon being allegedly driven away by Respondent Nos. 2 to 6 pursuant to acts of cruelty and demands of dowry committed upon her in her matrimonial home in Haryana. Thus, it is not disputed that the offence of Section 498A of the IPC even though committed in Haryana is triable in Delhi, by the court having competent jurisdiction.

21. The question to be examined with reference to Section 220 CrPC read with Section 184 CrPC is as to whether the alleged offences under Section 376 of the IPC and the offence under Section 498A of the IPC, in the facts of the present case, could be said to be



2025:DHC:11630



“committed in one series of acts so connected together as to form the same transaction” so that Respondent Nos. 3 and 5 could be tried at one trial for them.

22. In the case of **Mohan Baitha v. State of Bihar : 4 SCC 350**, the Hon’ble Supreme Court while expounding on Sections 177 and 220 CrPC, indicated a few factors for deciding whether certain acts form parts of the same transaction or not, the relevant paragraphs of the judgment have been reproduced below :-

“4.....Section 177 of the Code of Criminal Procedure on which Mr Mishra relies, uses the expression “ordinarily”. The use of the word “ordinarily” indicates that the provision is a general one and must be read subject to the special provisions contained in the Criminal Procedure Code. That apart, this Court has taken the view that the exceptions implied by the word “ordinarily” need not be limited to those specially provided for by the law and exceptions may be provided by law on considerations of convenience or may be implied from other provisions of law permitting joint trial of offences by the same court..... It may be noticed that under Section 220 of the Code of Criminal Procedure, offences more than one committed by the same persons could be tried at one trial, if they can be held to be in one series of acts, so as to form the same transaction. The expression “same transaction” from its very nature is incapable of an exact definition. It is not intended to be interpreted in any artificial or technical sense. Common sense and the ordinary use of language must decide whether on the facts of a particular case, it can be held to be in one transaction. It is not possible to enunciate any comprehensive formula of universal application for the purpose of determining whether two or more acts constitute the same transaction. But the circumstances of a given case indicating proximity of time, unity or proximity of place, continuity of action and community of purpose or design are the factors for deciding whether certain acts form parts of the same transaction or not. Therefore a series of acts whether are so connected together as to form the same transaction is purely a question of fact to be decided on the aforesaid criteria.”

(emphasis supplied)



2025:DHC:11630



23. The Hon'ble Supreme Court in the case of **Anju Chaudhary v. State of Uttar Pradesh and Anr. : (2013) 6 SCC 384** while indicating the tests to be applied for determining the question as to whether two or more acts constitute the same transaction observed and explained as under:

“43. It is true that law recognises common trial or a common FIR being registered for one series of acts so connected together as to form the same transaction as contemplated under Section 220 of the Code. There cannot be any straitjacket formula, but this question has to be answered on the facts of each case. This Court in Mohan Baitha v. State of Bihar (SCC pp. 354-55, para 4) held that the expression “same transaction” from its very nature is incapable of exact definition. It is not intended to be interpreted in any artificial or technical sense. Common sense in the ordinary use of language must decide whether or not in the very facts of a case, it can be held to be one transaction.

44. It is not possible to enunciate any formula of universal application for the purpose of determining whether two or more acts constitute the same transaction. Such things are to be gathered from the circumstances of a given case indicating proximity of time, unity or proximity of place, continuity of action, commonality of purpose or design. Where two incidents are of different times with involvement of different persons, there is no commonality and the purpose thereof different and they emerge from different circumstances, it will not be possible for the court to take a view that they form part of the same transaction and therefore, there could be a common FIR or subsequent FIR could not be permitted to be registered or there could be common trial.

45. Similarly, for several offences to be part of the same transaction, the test which has to be applied is whether they are so related to one another in point of purpose or of cause and effect, or as principal and subsidiary, so as to result in one continuous action. Thus, where there is a commonality of purpose or design, where there is a continuity of action, then all those persons involved can be accused of the same or different offences “committed in the course of the same transaction”.

(emphasis supplied)



2025:DHC:11630



24. In view of the above, determination of the fact that two or more acts form part of the same transaction does not have a universal formula and would have to be determined based on the facts and circumstances of each case examining factors such as proximity of time, unity or proximity of place, continuity of action and community of purpose or design. In order to state that the distinct offences in the present case form a part of the same transaction, it would have to be decided as to whether the offences are so related to one another so as to form one continuous action.

25. In the facts of the present case, the petitioner made a complaint against her husband and his family members (Respondent Nos. 2 to 6) regarding demands of dowry and cruelty by them. She alleged that she was beaten and abused. She further alleged that her husband (Respondent No.2) would feed her cakes and pastries, upon eating the same she would become unconscious/semi-conscious and thereafter her father-in-law (Respondent No.3) and her brother-in-law (Respondent No.5) would rape her. She alleged that when she informed about the same to her mother-in-law (Respondent No.4), sister-in-law (Respondent No.6) and her husband, they thrashed her and threatened her that if she wishes to remain in their house, she would have to endure the same.

26. As noted above, the petitioner has made the complaint in the present case in Police Station Bhajan Pura, Delhi, where she has been



2025:DHC:11630



residing with her parents pursuant to being allegedly removed from her matrimonial home.

27. It is relevant to state that sexual assault is also a form of cruelty, and if the same is alleged against the family members, it can also in some circumstances be part and parcel of physical cruelty as defined in Section 498A of the IPC. Pertinently, the rationale behind acceding jurisdiction of offence under Section 498A of the IPC in the place where the victim takes shelter is that the mental trauma of such an offence is bound to persist even after the victim leaves her matrimonial home. The victim wife, who is raped by in-laws in course of such harassment, upon leaving or being driven away from her matrimonial home, carries the mental trauma caused by such acts to the place she takes refuge. In the opinion of this Court, if the rape is committed by in-laws as an aggravated form of physical cruelty, the same cannot be deemed to be disjunct from the offence of cruelty so as to warrant a separate trial, especially since the psychological distress born out of the same would similarly persist.

28. A bare perusal of the record indicates that the petitioner has made serious allegations of rape against Respondent Nos. 3 & 5, who are her father in law and brother in law respectively. Moreover, the petitioner has specifically stated in her complaint that when she complained about the alleged acts of rape upon her to Respondent Nos. 2, 4 & 6, they told her that she would have to endure the same in order to live in her matrimonial home. Taking note of the allegations that the alleged act of rape has been committed upon the petitioner by



2025:DHC:11630



her father-in-law and brother-in-law at her matrimonial home, and the same acts being allegedly supported by other family members, the allegation of rape certainly forms part and parcel of the continued alleged cruelty suffered by the victim at the matrimonial home. When the rape itself forms part of the harassment faced by the victim at hands of her in-laws, the allegations in this regard cannot be separated from that of cruelty.

29. Considering the totality of circumstances, the allegations in the present case pertaining to the offences under Section 498A and 376 of the IPC are connected in such a manner that they satisfy the threshold of being “*a series of acts so connected together as to form the same transaction*”.

30. Thus, the allegations in the present case of rape and cruelty meet the requisites of Section 220 of the CrPC and Respondent Nos. 3 & 5 can be charged with and tried for the same at one trial for each of the offences. Therefore, on a combined reading of Section 184 and 220 of the CrPC, the alleged offences in the present case may be inquired into or tried by any Court competent to inquire into or try any of the offences.

31. At this juncture, this Court considers it apposite to deal with the judgment of the Hon'ble Apex Court in ***Ms. Pxxx v. State of Uttarakhand &Anr. : Criminal Appeal No. 903 of 2022***, which has been relied upon by the learned ASJ in the impugned order. In that case, the Hon'ble Supreme Court upheld the order of the Learned Sessions Judge, whereby the accused was discharged of the offence



2025:DHC:11630



under Section 376 of the IPC on the ground of lack of territorial jurisdiction. Placing reliance on the judgments of *Mohan Baitha & Ors v. State of Bihar* (*Supra*) and *Anju Chaudhary v. State of Uttar Pradesh* (*Supra*), the Hon'ble Apex Court had noted that no universal application could be enunciated for determining as to whether two or more acts constitute the same transaction and the same is purely a question of fact. Even in that case, it was noted that core elements like proximity of time, unity or proximity of place, continuity of action and community of purpose or design would be relevant factors, which when applied to common sense and ordinary use of language, can determine the question of whether a series of acts are so connected together so as to form part of the same transaction. In the facts of the present case, as noted above the alleged offence of rape has been committed as a part and parcel of the alleged cruelty committed upon the petitioner. The allegations of rape are ingrained in those of cruelty and the same cannot be separated so as to warrant a separate trial. In the present case, continuity of action and community of purpose of the alleged offences is clearly established.

32. Moreover, it is pertinent to note that in *Ms. Pxxx v. State of Uttarakhand & Anr.* (*supra*), the allegations were in relation to offences under Section 376/506/504 of the IPC. It was alleged that the offence under Section 376 of the IPC took place in Delhi in February and March 2016. The other alleged offences under Section 506/504 of the IPC took place in or around the month of November, 2016, in which the appellant received threats from the accused over telephone



2025:DHC:11630



at her village in Chamoli. There was no allegation of the offence under Section 376 of the IPC continuing after the month of March 2016, neither were there any allegations of the said offence having taken place at the appellant's village nor were there any allegations of threats related to the offence under Section 376 of the IPC having been made against the accused. The Hon'ble Supreme Court noted that there was no continuity of actions and community of purpose or design in the two different acts leading to two different set of offences. The Hon'ble Apex Court was not seized with the issue of continuity of acts on account of matrimonial cruelty in the said case, and hence, the reliance of the learned ASJ on the case of ***Ms. Pxxx v. State of Uttarakhand & Anr.*** (*Supra*) in the present case is misplaced.

33. In the opinion of this Court, the learned ASJ erred in discharging Respondent Nos. 3 & 5 of the offence under Section 376 for lack of jurisdiction. The alleged offences of rape and cruelty in the present case are so connected that they form part of the same transaction and hence, the learned ASJ had the appropriate jurisdiction *qua* the offence of rape.

34. The learned Magistrate, subsequent to the order of the learned ASJ framed charges under Section 498A/406/34 of the IPC and 3/4 of the DP Act against Respondent Nos. 2, 3, 4 & 6 and discharged Respondent No 5 of all the alleged offences. The proceedings in the present case were stayed *vide* interim order dated 21.11.2023 passed by this Court.



2025:DHC:11630



35. In view of the above, the impugned order and the subsequent order of the learned Magistrate dated 02.05.2023 are set aside. Consequently, the matter is remanded back to the learned ASJ for a fresh consideration of the facts of the case on merits.

36. The parties are directed to appear before concerned Sessions Court on 19.01.2026.

37. Insofar as the prayer seeking further investigation into allegations of bigamy is concerned, the petitioner is at liberty to file an appropriate application before the Trial Court regarding the alleged lack of investigation pertaining to the allegations of bigamy against Respondent No.2.

38. It is made clear that this Court has not expressed any opinion on the merits of the allegations or whether charges should be framed against the concerned accused for the offence under Section 376 of the IPC, and the observations made herein are for the limited purpose of deciding the issue of territorial jurisdiction in the present case.

39. The present petition is disposed of in the aforesaid terms.

40. Pending applications also stand disposed of.

41. Let a copy of this order be communicated before the concerned Principal District and Sessions Judge for necessary compliance.

AMIT MAHAJAN, J

DECEMBER 19, 2025/“SK”