THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. Revision No.255 of 2025

Judgment Reserved on: 23.04.2026

Date of Decision: 27.04.2026

Kuljit Kaur @ Shallu .....Petitioner

Versus

State of Himachal Pradesh & another … Respondent

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? [1] *Yes.*

For the Petitioner	**:**	Mr. N.K. Thakur, Senior Advocate with Mr. Divya Raj Singh, Advocate.
For the Respondents:		Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocate Generals with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondent-State. Mr. Madan Gopal, Advocate, respondent No.2.

Sandeep Sharma, Judge(oral):

Instant Criminal Revision petition filed under Section 438 of the *Bharatiya Nagarik Suraksha Sanhita*, lays challenge to order dated 20.01.2025 **(Annexure P-2),** passed by learned Additional Sessions Judge-1, Una, District Una, Himachal Pradesh, in Sessions Trial No.27 of 2021, whereby the Court concerned, while rejecting the application filed at the behest of the petitioner **(hereinafter**

[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

'accused') seeking her discharge, proceeded to frame charges against her under Sections 120-B, 384 and 506 of IPC.

2. Precisely, the facts of the case, as emerge from the pleadings as well as other material adduced on record i.e., challan filed by the respondent-State under Section 173 Cr.P.C., are that a person, namely Sh. Puneet Kumar, who happens to be husband of the victim/prosecutrix ***(name withheld to protect her identity),*** made a complaint dated 7.12.2020 to the SHO, Police Station, Chintpurni, District Una, Himachal Pradesh, alleging therein that in the evening of 11.11.2020, his wife i.e. victim/prosecutrix, who is a psychiatric patient for the last several years and is undergoing treatment at PGI, Chandigarh, disclosed to him that for the last 2 ½ years, she had been subjected to harassment and blackmail by a person, namely Narender Kumar, resident of village Chintpurni, District Una, Himachal Pradesh. He further stated in the complaint that on the same day at about 10.00 AM, he went to Chintpurni, where said Narender Kumar met him in village Dharamshala Mahanta and admitted his guilt before the Gram Panchayat, which got an agreement executed between him and the said Narender Kumar, pursuant to which, above named Narender Kumar returned certain articles as well as blank cheques. He further alleged that Narender Kumar raped his wife in a gym at Kurukshetra (Haryana), where co-

accused Kuljit Kaur @ Shallu was working as a trainer and thereafter both of them, on the strength of obscene photographs and videos of his wife made at Kurukshetra(Haryana) started blackmailing her. He further alleged that Narender Kumar, after sexually assaulting his wife extorted a huge amount and in the said acts, petitioner- accused Kuljit Kaur @ Shallu, who is resident of Kurukshetra, also assisted him. In the aforesaid background, FIR No.63 of 2020, dated 07.12.2020, under Sections 376(2)(l), 384, 506, 201 and 120-B IPC, came to be lodged at Police Station, Chintpurni, District Una, Himachal Pradesh against accused Narender Kumar as well as accused Kuljit Kaur @ Shallu i.e. present petitioner herein. Police registered the case under Sections 376(2)(l), 120-B, 384, 506 and 201 of IPC against accused Narender Kumar and under Section 384, 506 and 120-B IPC against present petitioner Kuljit Kaur @ Shallu. After completion of the investigation, police presented the challan in the competent court of law.

3. Before framing of the charge, petitioner-accused filed an application seeking her discharge on the ground that she has been falsely implicated in the present case and Court concerned does not have territorial jurisdiction to try the case, for the reason that the offences allegedly committed by her fall within the territorial jurisdiction of learned Sessions Judge, Kurukshetra (Haryana).

However, learned Additional Sessions Judge-1, Una, District Una, Himachal Pradesh, vide impugned order dated 20.01.2025 **(Annexure P-2),** dismissed the aforesaid application and framed charges against accused Narender Kumar under Sections 376(2)(l), 120-B, 384, 506 and 201 of IPC, as well as against the present petitioner-accused Kuljit Kaur @ Shallu, under Sections 120-B, 384 and 506 of IPC. In the aforesaid background, petitioner-accused has approached this Court in the instant proceedings, praying therein to set aside aforesaid order and acquit her of the charges framed against her vide impugned order dated 20.01.2025.

4. In nutshell, the grouse of the petitioner-accused, as has been highlighted in the petition and further canvassed by Mr. N.K. Thakur, learned Senior counsel representing the petitioner, is that learned Court below has fallen in grave error, while proceeding to frame charges against the petitioner-accused under Sections 120-B, 384 and 506 of IPC, for the reason that no offence, as alleged in the FIR and on the basis of which, final report under Section 173 Cr.P.C came to be filed, is stated to have been committed by the petitioner-accused within the territorial jurisdiction of the Court, which passed the impugned order. While making this Court peruse final report submitted by the police under Section 173(2)Cr.P.C *(available at page No.45 of the paper book),* learned Senior counsel representing the

petitioner submitted that though no offences punishable under Sections 120-B, 384 and 506 of IPC have been committed by the petitioner-accused, but even if it is presumed that such offences were committed by the petitioner-accused, Court below could not have tried the same, as the alleged offences were committed within the territorial jurisdiction of Kurukshetra(Haryana). He further argued that alleged rape upon the victim/prosecutrix was committed by accused Narender Kumar in the year, 2018 at Kurukshetra (Haryana) and thereafter certain amounts were transferred by the victim/prosecutrix in the account of accused Narender Kumar from Kurukshetra (Haryana) and there is nothing on record to suggest that money, if at all, was demanded from or paid to the present petitioner-accused. He submitted that at the time of alleged commission of rape at Shimla, Himachal Pradesh, petitioner-accused was not present, rather as per own version put forth by the victim/prosecutrix, she had herself come to Shimla, where she was allegedly sexually assaulted against her wishes by accused Narender Kumar. He submitted that since no money was ever transferred to the bank account of the petitioner-accused in the State of Himachal Pradesh and she was never present in the State of Himachal Pradesh at the time of alleged commission of offence at Shimla, no charge could have been framed against her under Section 120-B, 384 and 506 of IPC. Hence, impugned order,

whereby the petitioner-accused has been charged under the aforesaid provisions of law, deserves to be quashed being without jurisdiction.

5. To the contrary, Mr. Rajan Kahol, learned Additional Advocate General representing the respondent-State and Mr. Madan Gopal, learned counsel representing the victim/prosecutrix, while supporting the impugned order, vehemently argued that since after the alleged commission of offence by accused Narender Kumar under Section 376(2)(l) of IPC at Kurukshetra (Haryana), the extorted money was received by the accused Narender Kumar in Himachal Pradesh through bank transactions, no illegality can be said to have been committed by the Court below, while framing charges against the petitioner-accused under the relevant provision of law. Above named counsel further argued that though the offence under Section 376(2)(l) of IPC was allegedly committed by accused Narender Kumar at Kurukshetra, but since such offence was committed by accused Narender Kumar with the aid and assistance of the petitioner-accused herein and thereafter both of them blackmailed the victim/prosecutrix and received amount in the bank account of accused Narender Kumar, petitioner herein has rightly been arrayed as an accused in the FIR, as detailed hereinabove.

6. To substantiate the aforesaid submissions, learned counsel placed heavy reliance upon Sections 178, 178(d), 180, 181 and 181(3) of Cr.P.C. They contended that since the alleged offence comprises of several acts having relation to one another, Court below, which passed the impugned order, has the territorial jurisdiction and has rightly proceeded to frame charges against the accused Narender Kumar including present petitioner-accused.

7. I have heard learned counsel for the parties and gone through the record carefully.

8. Having scanned the final report submitted under Section 173(2) Cr.P.C., placed on record alongwith the petition at hand, this Court finds that FIR, as detailed hereinabove, came to be lodged on the basis of complaint lodged by the husband of the victim/ prosecutrix, wherein he levelled serious allegations of rape and extortion against accused Narender Kumar and present petitioner-accused Kuljit Kaur @ Shallu. As per the complaint, accused, named in the FIR, in connivance with each other, took undue advantage of the mental illness of the victim/ prosecutrix. If the statement of the victim/prosecutrix recorded under Section 161 Cr.P.C, is perused in its entirety, it suggests that the victim/prosecutrix, who is a psychiatric patient, came in contact with accused Narender Kumar through App “Tik Tok”. Once it became difficult for her to talk/communicate with the

said accused at home, she started visiting a gym where the petitioner-accused Kuljit Kaur @ Shallu, was working as a trainer. It has been alleged that Kuljit Kaur @ Shallu arranged a physical meeting between the victim/prosecutrix and accused Narender Kumar at her residence, where the victim/prosecutrix was allegedly raped. The victim/ prosecutrix, in her statement, has further alleged that petitioner-accused Kuljit Kaur @ Shallu and accused Narender Kumar clicked her obscene photographs and also made videos, and thereafter, on the strength of the same, started blackmailing her. It has been further alleged that the victim/prosecutrix paid more than Rs. 22 lakh to accused Narender Kumar, as is evident from the bank transactions placed on record alongwith the final report filed under Section 173(2)Cr.P.C., and Rs. 10 lakh in cash to the petitioner-accused.

9. After having come to know about the aforesaid incident of rape and extortion of his wife, husband of the victim/prosecutrix lodged a complaint at Police Station Chintpurni, District Una, Himachal Pradesh, whereafter FIR, as detailed hereinabove, came to be lodged against both the accused. There is material on record suggestive of the fact that accused Narender Kumar entered into compromise with the husband of the victim/prosecutrix and, in terms thereof, returned some articles and issued post-dated cheques

towards the amount allegedly extorted by him from the victim/prosecutrix.

10. It also emerges from the statement of the victim/ prosecutrix recorded under Section 164 Cr.P.C., that apart from the alleged incident of rape at Kurukshetra (Haryana), she was also subjected to sexual assault at a hotel in Shimla, but at that time, petitioner-accused was not present. It is an admitted position that aforesaid incidents of rape, allegedly committed upon the victim/ prosecutrix in the year 2018, were never reported prior to lodging of the complaint by the husband of the victim/prosecutrix in the month of December 2020, whereafter the statement of victim/prosecutrix was recorded under Section 164 Cr.P.C before the Judicial Magistrate, Amb, District Una, Himachal Pradesh on 09.12.2020.

11. Question, which needs to be determined in the case at hand is, “whether the offences alleged to have been committed by the petitioner-accused in Kurukshetra(Haryana) in connivance with co-accused Narender Kumar, could have been taken cognizance by the Courts situate in Himachal Pradesh or not?”.

12. Admittedly, the first offence of rape was committed by accused Narender Kumar in Kurukshetra (Haryana) allegedly with the aid and assistance of petitioner-accused Kuljit Kaur @ Shallu and report qua the same was never made to the police at

Kurukshetra(Haryana), rather FIR, which is the subject matter of the present case, came to be instituted after two years of commission of offence at Kurukshetra(Haryana), in the State of Himachal Pradesh, on the allegation that accused Narender Kumar had been blackmailing the victim/prosecutrix on the pretext of making her obscene photographs and videos viral. Since the alleged amount of extortion was received by accused Narender Kumar through a bank situate at Amb, District , Una and such extortion is stated to be in furtherance of alleged offence of rape committed upon the victim/prosecutrix by accused Narender Kumar at Kurukshetra (Haryana) with the aid and assistance of the present petitioner-accused.

13. Learned Additional Sessions Judge-1, Una, District Una, Himachal Pradesh, having taken note of the provisions of Sections 178(D), 180 and 181(3) Cr.P.C, dismissed the prayer made on behalf of the petitioner-accused for her discharge on the ground of territorial jurisdiction and proceeded to frame charges against both the accused, named in the FIR under relevant provisions of law.

14. At this stage, it would be profitable to take note of the Sections 178(D), 180 and 181(3) of Cr.P.C, which reads as under:-

> "**178. Place of inquiry or trial.**
>
> (a)……..
> (b)…….
> (c) ……..

> (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.
>
> Section 180 provides as under:-
>
> **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.
>
> **Section 181(3) Place of trial in case of certain offences**.—
>
> (1)……...
>
> (2)……..
>
> (3) Any offence of theft, extortion or robbery may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the stolen property which is the subject of the offence was possessed by any person committing it or by any person who received or retained such property knowing or having reason to believe it to be stolen property."

15. Careful perusal of Section 178(d) Cr.P.C. reveals that where offence alleged to be committed consists of several acts done in different local area, Court having jurisdiction over any of such local area can take cognizance. Similarly Section 180 Cr.P.C provides that 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.

16. Admittedly, in the case at hand, offence of rape was allegedly committed by accused Narender Kumar in Kurukshetra

(Haryana), but since thereafter he kept on receiving amounts on account of extortion from the victim/prosecutrix in the State of Himachal Pradesh, as is evident from bank transactions placed on record, coupled with the agreement entered by him with the husband of the victim/prosecutrix before the Gram Panchayat, whereby, while returning certain articles, he also issued post-dated cheques, no illegality can be said to have been committed by the Court below, while taking cognizance of the matter.

17. Though, there is no material adduced on record suggestive of the fact that petitioner-accused Kuljit Kaur @ Shallu, received any amount on account of her alleged extortion in State of Himachal Pradesh, but once victim/prosecutrix, in her statement recorded under Section 164 Cr.P.C, has categorically stated that she was raped at the residence of the petitioner-accused and thereafter, both Narender Kumar and she blackmailed victim/prosecutrix on the strength of obscene photographs and videos and extorted huge amount, learned Court below, having taken note of the provisions of Sections 178(D), 180 and 181(3) Cr.P.C, rightly proceeded against the petitioner-accused.

18. Careful perusal of the FIR, if read in its entirety, clearly reveals that offence alleged to be committed comprises of several acts done at different places. Though, in the case at hand, offence of rape was allegedly committed at Kurukshetra(Haryana) at the residence of the petitioner-accused, but thereafter accused Narender Kumar alongwith the present petitioner-accused kept on extorting money from the victim/prosecutrix and such amount was received in the State of Himachal Pradesh. Petitioner-accused may not have received any amount in the State of Himachal Pradesh, or for that matter at Kurukshetra(Haryana), as is being claimed by her, but once victim/prosecutrix has categorically stated that she was raped at Kurukshetra(Haryana) in the house of the present petitioner-accused and thereafter, she in connivance with accused Narender Kumar had been extorting money on the pretext of making her photographs and videos viral, no illegality can be said to have been committed by the Court below, while framing charge against them in the FIR lodged at police Station Chintpurni, District Una, Himachal Pradesh.

19. Since accused Narender Kumar, besides putting the victim/prosecutrix in fear of death and threatening to make her

photographs and videos viral, extorted money from her in cash as well as through bank account maintained at Oriental Bank of Commerce at Amb and Punjab National Bank, Chambi, District Una, Himachal Pradesh, coupled with the fact that petitioner-accused Kuljit Kaur @ Shallu was privy to the alleged act of rape committed by accused Narender Kumar at Kurukshetra (Haryana) and allegedly she also received sum of Rs. 10 lakh in cash from the victim/prosecutrix, no illegality can be said to have been committed by the Court below, while passing the impugned order, which appears to be based upon proper appreciation of evidence as well as provisions of law and as such, same is upheld.

20. Consequently, in view of the detailed discussion made herein, this Court finds no merit in the present petition and accordingly same is dismissed alongwith pending applications, if any.

(Sandeep Sharma),
Judge

April 27, 2026
(shankar)