



**CRM-M-46686-2018 and another connected case**

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103+291 (2 cases)

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

**Date of Decision:-16.03.2026**

**(1)**

**CRM-M-46686-2018 (O&M**

**Sumit Jain**

...Petitioner

Versus

**State of Haryana and Anr.**

...Respondents

**(2)**

**CRM-M-19154-2019 (O&M)**

**Vijay Kumar Jain and Ors.**

...Petitioners

Versus

**State of Haryana and Anr.**

...Respondents

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Vaibhav Narang, Advocate  
for the petitioner(s) in both cases.

Mr. Ashwani Bhatia, AAG, Haryana.

Mr. Vishal Garg Narwana, Advocate with  
Ms. Chetna Rao, Advocate,  
Mr. Khushwant Saharan, Advocate and  
Mr. Arishdeep, Advocate  
for respondent No. 2.

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**AMARJOT BHATTI, J.(Oral)**

1. These petitions have arisen out of same FIR, therefore, both are taken up together for disposal. For brevity, the facts are being taken from CRM-M-46686-2018. Petitioner Sumit Jain has filed CRM-M-46686-2018 and petitioners Vijay Kumar Jain, Suman Jain, Anurag Jain and Preeti

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Jain have filed CRM-M-19154-2019, under Section 482 of Cr.P.C. for quashing of FIR No.270 dated 10.10.2016, under Section 498-A, 323, 406, 506, 34 of IPC, registered at Police Station City Narwana, District Jind (Annexure P-1), challan dated 01.06.2018 (Annexure P-14) filed under Sections 323, 34, 406, 498-A, 506 of IPC and all consequential proceedings arising therefrom.

2. Brief facts of the case as detailed in FIR No.270 dated 10.10.2016 (Annexure P-1) (supra), complainant Diwan Bal Krishan filed written complaint addressed to SHO, Police Station City Narwana, District Jind, Haryana with the allegations of beating and maltreatment given to his niece Shradha in the matrimonial home. The complainant stated that marriage of his niece Shraddha, daughter of his sister was performed with Sumit on 08.03.2011 at Mittal Garden, Vaishali Extension, Ghaziabad. His sister Swati was residing in Chandigarh. At the time of marriage, cash amount and jewellery was given as detailed in the FIR as *istridhan* to Shraddha. Prior to marriage, engagement ceremony/*tikka* ceremony also took place in Ghaziabad on 27.02.2011 where again huge amount was spent by giving cash amount, gold jewellery etc. as detailed in the FIR. After few weeks of marriage, his niece was beaten up by the in-laws family including her husband. Sumit was having medical problem because of which their marriage was not consummated. Sumit threatened Shraddha not to disclose this fact to anybody. He forced her for unnatural sex as detailed in the FIR. After medical treatment, Sumit was fine temporarily for about 5-7 months. During this period she conceived and gave birth to a daughter on 18.06.2014. Thereafter her in-laws raised demand for Mercedes which

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was worth more than Rs.1 crore. It was beyond the capacity of his sister to satisfy this demand. On 23.10.2011, Shraddha along with her husband Sumit came to Narwana where again her husband indulged in unnatural sex and further raised demand of Rs.15 lakhs from Shraddha to ask for the same from her maternal uncle. Shraddha disclosed all the facts to him in the morning. On 23.08.2014, during her stay in Delhi Anurag suggested Shraddha to have physical relations with him on account of illness of his brother. He gave her beating and tried to develop relations forcibly. She disclosed everything to her husband and both in-laws who in return told her not to disclose this incident to her parental side. On 09.04.2016, Sumit under the influence of liquor, misbehaved with her and started calling her bad names. He also tried to throw her from the window of staircase of 19<sup>th</sup> floor. She saved herself and finally, the matter was reported to the police. With these allegations, present FIR has been registered.

3. Learned counsel for petitioners argued that present FIR has been lodged by the maternal uncle of Shraddha Gupta (wife of petitioner Sumit Jain). The complainant had filed two complaints in Mumbai on 15.05.2016 (Annexure P-2) and 07.08.2016 (Annexure P-3), where no such allegations were leveled against the husband. Later on, the FIR has been lodged by the maternal uncle of his wife with improved version and levelling serious allegations of maltreatment on account of demand for dowry. It is pointed out that the registration of FIR at Narwana lacks jurisdiction. Shraddha Gupta (wife of the petitioner Sumit Jain) is highly qualified lady. She has done M.BA. and is holding high post of Assistant Vice President in Axis Bank, Mumbai. The mother of his wife also retired as Legal Officer from

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Haryana Government. Therefore, there was no reason for his mother-in-law for not lodging the report against the petitioners referred above. In fact, the maternal uncle of his wife, by using his influence has lodged the present FIR with concocted version. Learned counsel for petitioners has annexed the bail order passed by learned Additional Sessions Judge, Jind dated 16.12.2016 (Annexure P-4) vide which Vijay Kumar and others were granted concession of anticipatory bail. Earlier, complaints were filed with petty allegations, but subsequently present FIR has been lodged with serious allegations by the maternal uncle of wife of Sumit Jain, who himself is having criminal antecedents. The counsel representing petitioner has referred to FIR No.141 dated 28.02.2018 registered at Police Station Sector-5, Panchkula (Annexure P-5) and another FIR No.0103 dated 29.03.2018, registered at Police Station Zirakpur, District SAS Nagar (Annexure P-6). It is pointed out that Shraddha Gupta is still residing in the matrimonial home at Mumbai. The matter came before the Hon'ble Supreme Court of India bearing SLP(C) No.10907/2018 titled "*Shraddha Gupta v. Sumit Jain*" in which orders were passed on 03.07.2018 (Annexure P-7). The judgment of the High Court of Judicature at Bombay, Civil Appellate Jurisdiction, vide which the petitions filed by both the parties were decided by consolidated judgment dated 13.04.2018 (Annexure P-9). Learned counsel for petitioner has placed on record the copies of orders passed in petition No.A-1618 of 2016 pending before Family Court, Mumbai at Bandra which are Annexure P-11 to P-13 pertaining to the visitation rights, etc. of their daughter. It is pointed out that aforesaid factual position clearly indicates that after marriage the

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parties resided together in Mumbai and till date they are staying there. Multiple litigation has started as referred above. No cause of action occurred at Narwana. There was no occasion for respondent No.2 (maternal uncle of his wife) to lodge the FIR. In fact, the FIR is lodged with false concocted version only to harass the petitioner. The registration of FIR and continuation of trial at Narwana is nothing but gross misuse of the process of law.

4. Learned counsel for petitioners Vijay Kumar Jain, Suman Jain, Anurag Jain and Preeti Jain in CRM-M-19154-2019, further added that present petitioners are residing in Delhi, whereas Sumit Jain and Shraddha Gupta were residing in Mumbai. There was no interference on their part in their matrimonial life. The FIR has been lodged by respondent No.2 (maternal uncle of Shraddha Gupta) to harass the petitioners. The police has conducted a sham and partial investigation and has hurriedly presented the challan (Annexure P-14). The investigating agency failed to consider that they had no territorial jurisdiction to investigate or to initiate the criminal trial. The registration of FIR and continuation of criminal trial is gross misuse of the process of law. Therefore, both petitions filed by the petitioners may be accepted and FIR, the challan report and subsequent proceedings arising therefrom may be quashed.

5. Learned counsel representing State assisted by learned counsel for respondent No.2 opposed both the petitions. It is pointed out that criminal law can be set into motion by any person. There is no bar that the complainant/respondent No.2 could not file a complaint. The facts narrated in the FIR are reiterated. Thorough investigation was carried out. There is

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specific reference of an incident dated 23.10.2011 which took place at Narwana when the victim and her husband had visited the house of their uncle. Challan is already presented before the competent court and the charges are yet to be framed. The petitioners/accused have filed present petitions only to delay the proceedings of the trial. Therefore, the petitions preferred by the petitioners may be dismissed.

6. I have considered the aforesaid arguments. It is matter of record that Diwan Bal Krishan filed written complaint on the basis of which present FIR No.270 dated 10.10.2016, under Section 498-A, 323, 406, 506, 34 of IPC, at Police Station City Narwana, District Jind (Annexure P-1) was registered. The facts of the case indicate that marriage of Shraddha Gupta was performed with Sumit Jain on 08.03.2011 at Ghaziabad. The mother of Shraddha, namely Swati was residing in Chandigarh, whereas the petitioners in CRM-M-19154-2019 were settled in Delhi and Sumit Jain was working in Mumbai. It is further not disputed that Shraddha is well-educated lady, and was serving in Axis Bank, Mumbai at a high post. The complainant has narrated various incidents which took place with Shraddha during her stay in the matrimonial home in Mumbai, Delhi and Narwana (Haryana). In the FIR, there is reference of one incident dated 23.10.2011 which took place at Narwana when the couple had visited the house of complainant/respondent No.2. There is another incident of 23.08.2014 which took place with Shraddha when she had visited the matrimonial home at Delhi and reference of incidents when Shraddha was residing in the matrimonial home along with her husband Sumit Jain in Mumbai.

7. Section 177 to 181 of Cr.P.C. deals with the jurisdiction of

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criminal courts in inquiries and trial. As per Section 177 Cr.P.C., every offence shall ordinarily be enquired into and tried by a court within whose local jurisdiction it was committed. Section 178 Cr.P.C. deals with the eventuality where the offence is committed at more than one place. Section 179 Cr.P.C. further deals with the eventuality when offence triable where act is done or the consequences ensues. Furthermore, Section 180 Cr.P.C. deals with place of trial where act is offence by reason of relation to another offence and Section 181 Cr.P.C. deals with the place of trial in case of certain offences as specified therein.

In the case in hand, Shraddha's parental house was situated in Chandigarh, whereas the marriage took place at Ghaziabad. The in-laws family was settled in Delhi and after marriage, they were staying in Mumbai. The respondent No.2 (maternal uncle) lodged the FIR at Narwana and also made reference to an incident which took place at his house. After the completion of investigation, challan is already presented before the competent court in which charges are yet to be framed. The documents relied upon by learned counsel for petitioners in both cases clearly indicate that long litigation had started in Mumbai, which came before the Family Court, Mumbai at Bandra, the High Court of Judicature of Bombay and Supreme Court of India. In matrimonial cases, it is continuing offence. Therefore the place where harassment is caused, the site of cruelty and harassment or the place where the wife takes shelter after leaving matrimonial home due to cruelty by the husband or his relatives, can have territorial jurisdiction. The information regarding commission of offence can be given by any person. Therefore, it cannot be said that respondent

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No.2, being maternal uncle of Shraddha, could not lodge the FIR. There is concept of registration of zero FIR and the police is obliged to record the complaint immediately. After initial recording of complaint, the matter can be transferred to the police station having territorial jurisdiction. In the case in hand, after the registration of FIR and on completion of investigation, even challan is presented.

8. Considering the allegations detailed in the FIR and the other litigation which is already going on between the parties, it is evident that matrimonial dispute is going on. The allegations levelled in the FIR and the stand taken by the petitioners in both the cases is a matter of trial. Therefore, I do not find a fit case for quashing of FIR or subsequent proceedings arising thereon on merits. Therefore, the petition filed by Sumit Jain i.e. CRM-M-46686-2018 and Vijay Kumar Jain, Suman Jain, Anurag Jain and Preeti Jain i.e. CRM-M-19154-2019 are accordingly declined. In case any of the petitioner(s) have any grievance, they have the liberty to file appropriate application for transfer of trial.

9. Pending miscellaneous application(s), if any, in both cases, stand disposed of accordingly as well.

10. A photocopy of this order be placed on the file of connected case mentioned above.

16.03.2026

*Sunil Devi***(AMARJOT BHATTI)  
JUDGE**Whether speaking/reasoned:  
Whether reportable:Yes/No  
Yes/No