

Ruhi vs Anees Ahmad on 6 January, 2020

Bench: L. Nageswara Rao, Hemant Gupta

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 7 OF 2020
(@ SLP (CRIMINAL) NO. 106 OF 2017)

RUHI

..

Versus

ANEES AHMAD & ORS.

..

O R D E R

Leave granted.

The complaint preferred by the Appellant to the Senior Superintendent of Police, Ghaziabad on 22.5.2014 had been transferred to the Police Station, Welcome Colony, Delhi. FIR No.645/2014 was registered by the Police Station Welcome Colony, North East, Delhi under Sections 498A, 406 and 34 IPC and under Section 4 of the Dowry Prohibition Act, 1961. The 1st Respondent approached the High Court by filing an application for quashing FIR No.645/2014. The High Court refused to quash the FIR. However, the High Court was of the view that Reason:

the place of occurrence as per the FIR was Meerut and the Appellant did not reside with Respondent No.1 at Delhi. In that view, the High Court directed the transfer of the FIR from Police Station, Welcome Colony, Delhi to Police Station Lisadi Gate, Meerut, U.P. which was the place of matrimonial home of the Appellant and the Respondent No.1.

We are informed by Ms. Aishwarya Bhati, learned senior counsel appearing for the State that the charge-sheet has been filed on receipt of the material pertaining to the investigation conducted by the Delhi Police and the further investigation carried on by the police at Meerut, U.P. Learned counsel for the Appellant submits that the case is at the stage of cognizance to be taken by the Magistrate.

Learned counsel for the Appellant further submits that the Appellant has been living at Kabir Nagar, Delhi and in accordance with the judgment of this Court reported in *Rupali Devi versus State of Uttar Pradesh* (2019 (5) SCC 384), it is not necessary that a complaint should be filed only at the place of the matrimonial home. Even the Courts at the place where the wife resides after leaving the matrimonial home will have jurisdiction to entertain a complaint under Section 498 A of the Indian Penal Code.

Learned counsel appearing for the 1st Respondent submits that the offences, if any, were committed even at Meerut, U.P., which was the place of matrimonial home of the Appellant and Respondent No.1 or at Ghaziabad which was the place of parental home of the Appellant.

We are unable to accept the submissions of the learned Senior counsel for Respondent No.1. The point that arises in this case is no more *res integra* as it is covered by the judgment of this Court in *Rupali Devi* (supra). It was held by this Court as follows:

“14. ...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 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.” Having considered the submissions made on behalf of the parties, we are of the view that the charge sheet that has been filed at Meerut should be transmitted to a competent court in the Karkardooma Courts, Delhi. The District & Sessions Judge, East District, Karkardooma Courts, Delhi shall assign the case to the concerned Court.

In view of the aforesaid, the appeal is allowed. The charge sheet filed pursuant to FIR No.645/2014, P.S. Lisadi Gate, Meerut, U.P. stands transferred to Karkardooma Courts, Delhi. The prosecution shall be conducted by the Delhi Police. Pending application(s), if any, shall stand disposed of.

.....J. (L. NAGESWARA RAO)J. (HEMANT GUPTA) New Delhi,
Dated: January 6, 2020 ITEM NO.33 COURT NO.11 SECTION II-C S U P R E M E C O U R T O F I
N D I A RECORD OF PROCEEDINGS Petition(s) for Special Leave to Appeal (Crl.) No(s).106/2017
(Arising out of impugned final judgment and order dated 11-08-2015 in CRLMC No. 425/2015
passed by the High Court Of Delhi At New Delhi) RUHI Petitioner(s) VERSUS ANEES AHMAD &
ORS. Respondent(s) Date : 06-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO HON'BLE MR. JUSTICE HEMANT
GUPTA For Petitioner(s) Mr. Aldanish Rein, Adv.

Maheravish Rein, Adv.

Ms. Shamsravish Rein, Adv.

Mr. Rameshwar Prasad Goyal, AOR For Respondent(s) Ms. Sonia Mathur, Sr. Adv.

Mr. Anil Hooda, Adv.

Mr. Ajay Sharma, Adv.

Mr. Prakash Gautam, Adv.

Mr. Sushil Dubey, Adv.

Ms. Noor Rampal, Adv.

Ms. Divya A. Nair, Adv.

Mr. Anuj Aggarwal, Adv.

Mr. Puneet Pathak, Adv.

Mr. B. V. Balaram Das, AOR Mr. Balraj Dewan, AOR Ms. Sundri, Adv.

Mr. R.G. Shrivastva, Adv.

Ms. Aishwarya Bhati, AAG Mr. Sarvesh Singh Baghel, AOR UPON hearing the counsel the Court made the following O R D E R Leave granted.

The appeal is allowed in terms of the Signed Order. Pending application(s), if any, shall stand disposed of.

(GEETA AHUJA) (ANAND PRAKASH) COURT MASTER (SH) BRANCH OFFICER
(The Signed Order is placed on the file)