

# SUPREME COURT OF INDIA

Amarendu Jyoti

Vs.

State of Chattisgarh

(Sharad Arvind Bobde. J. S.J.Mukhopadhaya, JJ.)

04.08.2014

## JUDGEMENT

**Sharad Arvind Bobde. J. S.J.Mukhopadhaya, JJ.**

( 1. ) The Appellant No. 1 -Amarendu Jyoti, who is husband of Respondent No. 2 -Smt. Kiran Sinha, has challenged the Order dated 19<sup>th</sup> December, 2006 passed by the High Court of Chhattisgarh in Miscellaneous Criminal Case [MCRL] No. 1104 of 2006 dismissing the Appellants' application Under Section 482 of the Code of Criminal Procedure, 1973 [hereinafter referred to as the Code] and holding that the First Information Report [F.I.R.] for offence Under Section 498A of the Indian Penal Code, 1860 [hereinafter referred to as 'Indian Penal Code'], lodged by the Respondent No. 3 -Madhusudan Sinha, was liable to be tried by the Court at Ambikapur, which has jurisdiction to try the offence. The main contention of the Appellants is that the incident of cruelty alleged by Respondent No. 2 has taken place only at Delhi, where the couple resided after which the Respondent No. 2 went to stay with her parents at Ambikapur in the State of Chhattisgarh, therefore, the Court at Ambikapur has no jurisdiction to try the alleged offence against the Appellants in the F.I.R. Under Section 498A, Indian Penal Code, lodged by Respondent No. 3.

( 2. ) THE marriage of the Appellant No. 1 to the Respondent No. 2 took place on 21.04.2003 at Patna. The couple resided at Delhi from 27.04.2003 to 22.05.2003 when the Respondent No. 2/wife left Delhi for her parents' place at Ambikapur. After about 2 1/2 years, her father -Madhusudan Sinha/Respondent No. 3 filed an F.I.R. at Ambikapur alleging that Respondent No. 2/Kiran Sinha has been subjected to cruelty by her husband/Appellant No. 1, elder brother -in -law/Appellant No. 2 and elder sister -in -law/Appellant No. 3, who are therefore to be punished Under Section 498A of the Indian Penal Code. The Appellants approached the High Court of Chhattisgarh at Bilaspur Under Section 482 of the Code questioning the territorial jurisdiction of the Court at Ambikapur to try the offence alleged against the Appellants. The Respondent No. 3 has alleged cruelty in the F.I.R. dated 31.12.2005. However, according to the Appellants each of the alleged incidents, which constitute cruelty, has taken place when the couple resided together in Delhi between 27.04.2003 to 22.05.2003, before the Respondent No. 2 shifted to

Ambikapur to stay with her father - Respondent No. 3. Thus, according to the Appellants the territorial jurisdiction to try the offence cannot be with the Court at Ambikapur, where no incident is alleged to have taken place. This argument did not find favour with the High Court, which dismissed the application Under Section 482 of the Code. The High Court held, having regard to the provisions of Sections 178 and 179 of the Code that after the Respondent No. 2 had left the Appellants society at Delhi and gone to Ambikapur to reside with her father, the acts of cruelty continued and therefore the offence of cruelty was a continuing offence. The High Court relied on the fact that the Respondent No. 2 was made to abandon her husband's company because of cruel treatment and compelled to stay at Ambikapur; further, that the Respondent No. 2 was subjected to cruelty by telephone calls over which she was threatened and demand of dowry was made. The letters written by Respondent Nos. 2 and 3 showing the sufferings of the wife at Ambikapur were relied on and the High Court noted that despite the Respondent's plight the Appellant made no effort to take her back to the matrimonial home. Accordingly, the High Court held that the offence of cruelty was a continuing offence and the court at Ambikapur had jurisdiction to try.

( 3. ) Aggrieved by the rejection of the application Under Section 482 of the Code, the Appellants have approached this Court by way of special leave to appeal. The main contention on behalf of the Appellants was that the F.I.R. did not disclose a continuing offence. The offence, if any, was alleged to have been committed only at Delhi and there was no question of any offence having been committed after the Respondent No. 2 went to stay at Ambikapur. The learned Counsel for the Appellants relied on the decision of this Court in *Manish Ratan v. State of M.P.* : (2007) 1 SCC 262. ;