

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P.(Cr.) No.1194/2007

Date of Reserve: 12th September, 2007

05.10.2007

Date of judgment: October 05, 2007

Javed Iqbal and Anr. ... Petitioners

Through: Mr. S.D. Singh, Advocate

Versus

State of NCT Delhi and Anr. ... Respondents

Through: Ms. Mukta Gupta, Standing Counsel for State

CORAM: JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not ?
3. Whether judgment should be reported in Digest ?

JUDGMENT:

1. This petition has been preferred on behalf of the petitioners for quashing FIR No.199 of 2006 Police Station Shakarpur, Delhi under Sections 406/498AA IPC and the further proceedings arising out of the said AIR.2. It is submitted by the petitioners that lodging of instant FIR by respondent No.2 at Delhi was illegal and FIR could not have been registered since no part of the offence was committed in Delhi and an inquiry or trial cannot be held in Delhi.

3. It is argued that marriage between the complainant and the petitioner/husband had taken place in Mumbai, according to Muslims rites and customs and after two years of marriage, the complainant and her husband left for Colombo. She stayed with her husband at Colombo. As per the allegations of complainant, the cruelties were perpetuated on her at Colombo and thereafter the petitioner left for Spain. While her husband was in Spain, her father-in-law and sister-in-law perpetuated cruelties on her for dowry and harassed her. Her entire articles, given at the time of marriage including jewellery etc were not returned to her. Her stay at Colombo was made a hell for her. She was taunted. She was treated like a maidservant and it became unbearable for her to live there and she came back to Delhi and started living with her guardian.4. Counsel for the petitioner contended that no part of offence had taken place at Delhi, even as per complaint and, therefore, no FIR could be registered at Delhi.

5. It is apparent that as per the complaint, cruelties were perpetuated by the husband and in laws while they were living outside India. It is not disputed that the petitioner is an Indian citizen who married to the respondent/complainant as per the Muslims rites and laws prevalent in India, alluring her on a dream of bright future and making misrepresentations about his being a bachelor, although he was a married man. As per the provisions of Section 188 Cr.P.C, when an offence is committed by a citizen of India outside India, he/she may be dealt with in respect of such an offence as if it had been committed at any place within India at which he may be found. The complainant has every right to lodge an FIR against the petitioner who committed offences against her outside India, at Delhi where she lives and considers that the petitioner can be found.

6. I find no reason to quash the instant FIR. The petition is hereby dismissed.

October 05, 2007 SHIV NARAYAN DHINGRA J.

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