

CrPC S. 177, 178 and 179 - Appellant-wife lodged an FIR for offences under Sections 498-A, 406 read with Section 34 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 at Gaya while alleging that she suffered ill-treatment and cruelty at the hands of her husband and in-laws at Ranchi; that she was forcibly brought to her parental home at Gaya; that after she gave birth to a girl child, she was blamed for having brought an additional burden; and that after some time, her husband came out with a new demand that unless her father gave him the house at Gaya, she would not be taken back to her matrimonial home at Ranchi - High Court held that the proceedings at Gaya were not maintainable - However, Apex Court did not approve of the order so passed by the High Court and in that context, after referring to Sections 177, 178 and 179 CrPC, this Court observed and explained as under: -

"8.... From the above provisions, it is clear that the normal rule is that the offence shall ordinarily be inquired into and tried by a court within whose local jurisdiction it was committed. However, when it is uncertain in which of several local areas an offence was committed or where an offence is committed partly in one local area and partly in another or where an offence is a continuing one, and continues to be committed in more than one local area and takes place in different local areas as per Section 178, the court having jurisdiction over any of such local areas is competent to inquire into and try the offence. Section 179 makes it clear that if anything happened as a consequence of the offence, the same may be inquired into or tried by a court within whose local jurisdiction such thing has been done or such consequence has ensued."

Court held that the offence of ill-treatment and humiliation meted out to the appellant was a continuing one; the same was committed in more than one local areas; and one of the local areas being Gaya, the learned Magistrate at Gaya was having jurisdiction to proceed with the criminal case instituted therein. This Court observed and held as under: -

"18. ...In view of the specific assertion by the appellant wife about the ill-treatment and cruelty at the hands of the husband and his relatives at Ranchi and of the fact that because of their action, she was taken to her parental home at Gaya by her husband with a threat of dire consequences for not fulfilling their demand of dowry, we hold that in view of Sections 178 and 179 of the Code, the offence in this case was a continuing one having been committed in more local areas and one of the local areas being Gaya, the learned Magistrate at Gaya has jurisdiction to proceed with the criminal case instituted therein. In other words, as the offence was a continuing one and the episode at Gaya was only a consequence of continuing offence of harassment and ill-treatment meted out to the complainant, clause (c) of Section 178 is attracted..."

Sunita Kumari Kashyap v. State of Bihar and Anr.,: (2011) 11 SCC 301

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Difference between Sunita Kumari Kashyap v. State of Bihar: (2011) 11 SCC 301

and **Satvinder Kaur v. State (Govt. of NCT of Delhi): (1999) 8 SCC 728**

In the case of *Satvinder Kaur v. State (Govt. of NCT of Delhi) and Anr.*, (1999) 8 SCC 728 the question of jurisdiction was raised at the investigation stage. In that context, this Court pointed out that at the stage of investigation, the material collected by the investigating officer cannot be judicially scrutinized for arriving at a conclusion that the particular officer or a particular police station would not have territorial jurisdiction. This Court also referred to clause (c) of Section 178 CrPC, as regards jurisdiction in case of uncertainty of the area/areas of commission of offence. In continuity, this Court pointed out, with reference to Section 156(2) CrPC, that no proceeding of a police officer is to be challenged on the ground of power to investigate. Noticeable it is that in the said case, the appellant had made allegations of torture and dowry demand at Patiala and it was also alleged that after her coming to Delhi to live with her parents, the threats by her husband continued. The complaint had essentially been of the offences under Sections 406 and 498-A IPC, whether at Patiala or at Delhi. In the case of *Sunita Kumari Kashyap (supra)*, this Court has summarised the rules discernible from a combined reading of Sections 177, 178 and 179 CrPC but, in the said case, again, the complaint was of the offences pertaining to Sections 406 and 498-A IPC as also Sections 3 and 4 of the Dowry Prohibition Act, 1961, essentially relating to ill-treatment, cruelty and demands by the husband and his relatives; and as per the factual matrix, such acts took place at Ranchi and continued at Gaya. Hence, this Court found the said case to be that of continuing offence.

Apart from the fact that the case of *Satvinder Kaur (supra)* was that of raising the question of jurisdiction at the threshold stage of investigation (which was not approved by this Court), the fundamental fact remains that in each of these cases, the principal offences, of Sections 406 and 498-A IPC, were said to have been committed at the matrimonial home of the lady and were allegedly continued even when the lady had shifted to her parental home at a different station. In such a situation, clause (c) of Section 178 CrPC came in operation, dealing with the eventuality when ‘an offence is a continuing one and continues to be committed in more local areas than one’.

CrPC Section 156(2) , 178(c) – Jurisdiction – Investigation – Appellant was thrown out of her matrimonial home in Patiala, Punjab. She lodged a complaint at Police Station Kotwali, Patiala on the allegations of torture and dowry demand against the husband and in-laws. Thereafter, she came to Delhi to live with her parents. Within that time also, threats by her husband continued. The appellant filed a complaint with the Women’s Cell, Delhi and subsequently lodged an FIR relating to the offences under Sections 406 and 498-A IPC at Police Station Paschim Vihar, New Delhi. A question was raised by the accused as regards territorial jurisdiction of the Station House Officer, Police Station Paschim Vihar, New Delhi to investigate the FIR as the dowry items were entrusted at Patiala and the alleged cause of action arose at Patiala. To this, the High Court took the view that the said Investigating Officer at New Delhi had no territorial jurisdiction. This view of the High Court was, however, not approved by this Court while observing, inter alia, as under: –

“15. Hence, in the present case, the High Court committed a grave error in accepting the contention of the respondent that the investigating officer had no jurisdiction to investigate

the matters on the alleged ground that no part of the offence was committed within the territorial jurisdiction of the police station at Delhi. The appreciation of the evidence is the function of the courts when seized of the matter. At the stage of investigation, the material collected by an investigating officer cannot be judicially scrutinized for arriving at a conclusion that the police station officer of a particular police station would not have territorial jurisdiction. In any case, it has to be stated that in view of Section 178(c) of the Criminal Procedure Code, when it is uncertain in which of the several local areas an offence was committed, or where it consists of several acts done in different local areas, the said offence can be enquired into or tried by a court having jurisdiction over any of such local areas. Therefore, to say at the stage of investigation that the SHO, Police Station Paschim Vihar, New Delhi was not having territorial jurisdiction, is on the face of it, illegal and erroneous. That apart, Section 156(2) contains an embargo that no proceeding of a police officer shall be challenged on the ground that he has no territorial power to investigate. The High Court has completely overlooked the said embargo when it entertained the petition of Respondent 2 on the ground of want of territorial jurisdiction."