

HIGH COURT OF MADHYA PRADESH
MCRC No. 11019/2017
Dr. Sandeep Nahta vs. Smt. Deepa alias Jaya Nahta
Gwalior, dtd. 10/05/2018

Shri Amit Lahoti with Shri Vaibhav Maheshwari, counsel for the applicant.

Shri Sarvesh Sharma, counsel for the respondent.

This petition under Section 482 of CrPC has been filed against the order dated 25/11/2016, passed by Additional Chief Judicial Magistrate, Gwalior in Criminal Case No.7490/2016 as well as all other consequential proceedings pending against the applicant for offence under Section 494 of IPC.

The necessary facts for the disposal of the present petition in short are that the respondent has filed a complaint against the applicant, alleging that she is a legally wedded wife of the applicant and during the subsistence of the first marriage, the applicant has contracted a second marriage and thus, he has committed an offence of bigamy. A solitary ground has been raised by the counsel for the applicant that since the entire offence is alleged to have taken place at Ujjain, therefore, the trial Court at Gwalior has no jurisdiction to entertain the complaint. To buttress his contention, the counsel for the applicant has relied upon Sections 177 and 178 of CrPC.

Per contra, the submissions made by counsel for the applicant are opposed by the counsel for the respondent.

Heard the counsel for the parties.

Section 182 of CrPC reads as under:-

182. Offences committed by letters, etc. (1) Any offence which includes cheating may, if the deception is practised by means of letters or telecommunication messages, be inquired into or tried by any Court within whose local jurisdiction such letters or messages were sent or were received; and any offence of cheating and dishonestly inducing delivery of property may be inquired into or tried by a Court within whose local jurisdiction the property was delivered by the person deceived or was received by the accused person.

(2) Any offence punishable under section 494 or section 495 of the Indian Penal Code (45 of 1860) may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the offender last resided with his or her spouse by the first marriage or the wife by the first marriage [or the wife by first marriage has taken up permanent residence after the commission of the offence].

From the plain reading of Section 182 of CrPC, it is clear that Section 182(2) provides that the Court, in whose territorial jurisdiction the first wife is permanently residing after commission of offence, shall have the jurisdiction to entertain the complaint. In paragraph 7 of the complaint, the complainant has specifically stated that at present, she is residing at Birla Nagar, which falls within the territorial jurisdiction of Police Station Hazira, District Gwalior and, therefore, the trial Court has jurisdiction to entertain the complaint. Since the respondent is residing within the territorial jurisdiction of the trial Court after the commission of offence under Section 494 of IPC, therefore, this Court is of the considered opinion that the trial Court has territorial jurisdiction to entertain the complaint and accordingly, the submission made by the counsel for the applicant that the trial Court has no jurisdiction to entertain the complaint is rejected.

Accordingly, the order dated 25/11/2016 passed by Additional Chief Judicial Magistrate, Gwalior by which the cognizance has been against the applicant, is hereby affirmed.

This petition fails and is hereby **dismissed**.

(G.S. Ahluwalia)
Judge