

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1387 OF 2019
[@ Special Leave to Appeal (Cr1.) No(s). 712/2018]

PRITI KUMARI

Appellant(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

O R D E R

Leave granted.

In this case, the main dispute is whether the appellant - wife could have filed a complaint under Section 498A, IPC at the place where she was residing. The High Court held that no cause of action has arisen where she was residing. This matter is squarely covered by the judgment of this Court in *Rupali Devi v. State of U.P. & Ors.* [(2019) 5 SCC 384]; wherein this Court held as follows:

"10. The question that has posed for an answer has nothing to do with the provisions of Section 178 (b) or (c). What has to be really determined is whether the exception carved out by Section 179 would have any application to confer jurisdiction in the courts situated in the local area where the parental house of the wife is located.

11. To answer the above question, one will have to look into the Statement of Objects and Reasons of the Criminal Law [2nd Amendment Act, 1983 (Act 46 of 1983)] by which Section 498A was inserted in the Indian Penal Code. The section itself may be noticed in the first instance:

"498A. Husband or relative of husband of a woman subjecting her to cruelty.- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to

three years and shall also be liable to fine.

Explanation.- For the purposes of this section, "cruelty" means -

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

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 498A of the Indian Penal Code."

In view of the above, the criminal appeal is allowed and the judgment of the High Court is set aside.

Pending application, if any, stands disposed of.

.....J.
[DEEPAK GUPTA]

.....J.
[ANIRUDDHA BOSE]

NEW DELHI;
September 13, 2019.

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 (Cr1.) No(s). 712/2018

(Arising out of impugned final judgment and order dated 06-09-2017 in CRLM No. 37156/2016 passed by the High Court Of Judicature At Patna)

PRITI KUMARI

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

Date : 13-09-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Jayesh Gaurav, Adv.
Ms. Diksha Ojha, Adv.
Ms. Priyanka Tyagi, Adv.
Mr. Farrukh Rasheed, AOR

For Respondent(s)

Mr. E. C. Vidya Sagar, AOR
Mr. Manish Kumar, Adv.

Mr. Feroze Ahmad, Adv.
Mr. R.S. Sharma, Adv.
Mr. Ranjan Dwivedi, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The criminal appeal is allowed in terms of the signed order.

Pending application stands disposed of.

(MEENAKSHI KOHLI)
COURT MASTER

(RENU KAPOOR)
COURT MASTER

[Signed order is placed on the file]