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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 933/2022**

KAVERI PARASHAR

..... Petitioner

Through: Mr. Mandeep Singh Vinaik, Ms.
Ragini Vinaik, Ms. Vandini Dagar
and Ms. Simmi Bhamrah, Advs.

Versus

KALIND PARASHAR & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **02.03.2022**

CRL.M.A. 3995/2022 (for exemption)

1. Allowed, subject to just exceptions.
2. The application stands disposed of.

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3. This petition has been filed under Article 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure challenging the order dated 4th December, 2021 in CIS No.9295/2017 passed by the learned Metropolitan Magistrate-05 ('MM' for short) (Central), Delhi holding that the court lacks jurisdiction and also allowing the complainant to take proper proceedings before the court of competent jurisdiction.

4. Mr. Mandeep Singh Vinaik, learned counsel for the petitioner submits that the sole reason why the learned MM has arrived at this conclusion is an application moved by the accused alleging that the present petitioner was

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residing in Ghaziabad, Uttar Pradesh. The learned counsel submits that despite the petitioner having placed on record documents as well as an affidavit to the effect that she was residing at Farash Khana, Delhi (ancestral home) and at Kamla Nagar, Delhi (maternal aunt's accommodation) and both the places fall within the jurisdiction of the learned MM, the learned MM, overlooking the cited judgments which have also not been discussed in the order, particularly *Adalat Prasad Vs. Rooplal Jindal* (2004) 7 SCC 338 and *Jasbir Kaur Vs. State* (2013) 2 DLT (Crl) 219, has come to the erroneous conclusions. The learned counsel has also drawn the attention of this Court to Section 179 of the Cr.P.C. to submit that even if the bigamy occurred in Unites States of America, the fact is that the petitioner is facing consequences in India. Several other judgments have also been referred to including *Y. Narasimha Rao Vs. Venkata Lakshmi* (1991) 3 SCC 451.

5. At this stage, this Court does not deem it necessary to discuss the judgments in detail.
6. Issue notice to the accused/respondents by all permissible modes, including through the counsel who has appeared for them before the learned MM, returnable on the next date of hearing.
7. List on 25th July, 2022.
8. The order be uploaded on the website forthwith.

ASHA MENON, J.

MARCH 2, 2022

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