

ORDER BELOW EXH. 23

Accused are prosecute for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code and Sections 3 & 4 the Dowry Prohibition Act.

2. Accused Nos. 2 to 4 through present application are seeking relief of quashing of F.I.R.. Ld. APP filed say below the application and resisted the same.

3. Ld. Advocate for applicant-accused submitted that, the Police have registered F.I.R. at Wardha and filed charge-sheet in this Court. Perusal of charge-sheet reflects that the place of occurrence is 75 km away from Wardha Police Station and the same is at Ramnagar, Nagpur. Further, the informant has filed divorce petition against the accused at Family Court, Nagpur, wherein also, the cause of action is shown to be at Nagpur. Therefore, the Police Station at Wardha and this Court has no jurisdiction to try the present case. Hence, the F.I.R. be quashed on the ground of jurisdiction.

4. *Per contra*, Ld. APP *vide* her say contended that the powers of quashing of F.I.R. lie only with the Hon'ble High Court. Therefore, the application is not tenable before this Court. Moreover, part of the harassment & cruelty took place within the jurisdiction of this Court. Hence, prayed for rejection of the application.

5. Perused application, say filed and the record. Heard both sides. It is the case of applicant-accused that, this Court has no

jurisdiction as the alleged offence did not take place at Wardha. Therefore, they are praying for quashing of F.I.R.

6. It is pertinent to note that, during the course of arguments Ld. Advocate for applicant-accused fairly admitted that this Court has no powers of quashing F.I.R. and same lies only with the Hon'ble High Court. Despite the same he has moved the present application being well aware about the tenability.

7. Perusal of the allegations mentioned in the complaint made to Police *prima facie* reflects that, it is a case of continuing offence and part of which is also committed within the jurisdiction of this Court. It is not the case of discharge and applicant-accused are praying for quashing of the F.I.R. As mentioned above, accused are aware that the application is not tenable. Thus, it is nothing but a clear case of abuse of process and taking the judicial time. This practice needs to be curtailed.

8. Therefore, the application being not tenable, is liable to be rejected. However, at the same time for the delay caused, I am also inclined to impose penalty on the accused. Accordingly, I proceed to pass the following order :

1. The application is hereby rejected.
2. Accused are directed to pay penalty of Rs. 500/- and the same be credited to the State accordingly.

Sd/-

Place : Wardha.

Date : 16/06/2025

(Vickrant P. Khandare)
Judicial Magistrate First Class, Wardha.
(Court No. 1)