



2026:CGHC:9440-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 96 of 2026**

1 - Ashish Dubey S/o Mukut Bihari Dubey Aged About 44 Years R/o Parijat Extension, Nehru Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh

2 - Mukut Bihari Dubey S/o Late Shambhu Prasad Dubey Aged About 80 Years R/o Parijat Extension, Nehru Nagar, Bilaspur, Police Station Civil Line Bilaspur, District Bilaspur, Chhattisgarh, Permanent Resident Of Baikunthpur, District Koriya, Chhattisgarh

... Petitioner(s)**versus**

1 - The State Of Chhattisgarh Through Secretary, Home Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh

2 - Alka Dubey D/o Ashok Kumar Dubey Aged About 31 Years W/o Ashish Dubey, R/o Parijat Extension, Nehru Nagar, Bilaspur, Police Station Civil Line, Bilaspur, District Bilaspur, Chhattisgarh And Presently Residing At Tikripara Takhatpur, Police Station Takhatpur, District Bilaspur, Chhattisgarh

3 - The Station House Officer At Police Station Takhatpur, District Bilaspur, Chhattisgarh

4 - Ankur Dubey S/o Mukut Bihar R/o Baikunthpur, District- Koriya, Chhattisgarh

5 - Smt. Prachi Mishra W/o Vikas Mishra, D/o Mukut Bihar Dubey R/o Naini (Prayagraj) P.S. Naini, Uttar Pradesh

... Respondent(s)

For Petitioner(s) : Mr. N.K.Chatterjee, Advocate.

For Respondent(s) No. 1 : Mr. Priyank Rathi, Government Advocate.

and 3



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

24/02/2026

- 1 Heard Mr. N.K.Chatterjee, learned counsel for the petitioner(s) as well as Mr. Priyank Rathi, learned Government Advocate for the State/respondents No. 1 and 3.
- 2 By this petition under Article 226 of the Constitution of India, the petitioner(s) have prayed for the following relief(s):

“10.1 That, this Hon'ble Court may kindly be pleased to the writ petition filed by the petitioners and respondent No. 4 and 5 be allowed because and since the respondent No. 4 and 5 are not present at the time of the filing the execution but they are interest of common and therefore at the time of filing of the writ petition they have been made the respondent No. 4 and 5 and therefore facts and circumstances of the case since the incident was alleged as per the report dated 02.01.2026 at Parjita extension Nehur Nagar Bilaspur between the period of 04.06.2025 to 02.01.2026 and therefore Station House officer of PS Takhatpur be order to be directed to the sent the case diary to the Police Station Civil Line Bilaspur at Crime No. 4/2026 at PS Takhatpur if found necessary to file the charge sheet against the petitioner No. 1 and respondent No. 4 and 5.

10.2 Any other relief, which this Hon'ble Court may deem fit and proper, may also be passed in favour of the petitioner..”

- 3 The facts, as projected by the petitioners are that the petitioner No. 1- Ashish Dubey is the husband of the respondent No. 2/complainant-Alka Dubey and the petitioner No. 2-Mukut Bihari is the father-in-law of the complainant. A written complaint was lodged by respondent No. 2 in which she has alleged that she was the daughter of Ashok Kumar Dubey, belonging to the Brahmin caste, and was a resident of Tikripara, Takhatpur, District Bilaspur. She was married to the petitioner No. 1 who



is the son of petitioner No. 2 and resident of Parijat Extension, District Bilaspur, Chhattisgarh, on 04.06.2029. After marriage, she stayed at her matrimonial home for about two and a half months. During this period, she was continuously subjected to mental, physical, and financial harassment by my father-in-law, sister-in-law, brother-in-law, and husband for dowry. Her sister-in-law physically assaulted her saying that she had not brought dowry items for her mother. She abused her and her family with filthy language and snatched her jewellery. Her husband i.e. the petitioner No.1, father-in-law i.e. the petitioner No. 2 and sister-in-law i.e. respondent No. 5 and respondent No. 4 i.e. brother-in-law, Ankur Dubey repeatedly pressured her to bring an additional Rs. 5,00,000/- or a four-wheeler vehicle as dowry. They threatened her saying that if she did not bring the money, they would kill her or divorce her. They also made physical assault upon her. They mentally harassed her by taunting that the items given in the marriage were of poor quality and that instead of bringing such items, she should have brought cash. On 18.08.2025, the petitioner No. 1 left her at her parental home in Takhatpur, saying that he would keep her only when she brings the money. After the Teej festival, when she went back to her matrimonial home on 05.09.2025, the petitioner No. 1, petitioner No. 2 again abused her and demanded ₹5,00,000. When she said she could not arrange such a large amount, she was thrown out of the house. She further stated that she had made an application at the Women's Police Station, Bilaspur. Both parties were called for counseling and an attempt was made for settlement of the dispute compromise. However, the petitioner No. 1 refused to keep her. Since she wanted reconciliation but the petitioner No. 1 refused to accept her and as such, the case was closed by the Family Counseling Center, Bilaspur. Accordingly, on the basis of the aforesaid complaint, an FIR



bearing Crime No. 0004/2026 for the offences under Sections 115(2), 296, 3(5), 351(2) and 85 of the Bharatiya Nyaya Sanhita, 2023.

- 4 Mr. Chatterjee, learned counsel for the petitioners submits that the written complaint was addressed to Police Station, Takhatpur, District Bilaspur. The incident is alleged to have taken place at Parijat Extension, Nehru Nagar, Bilaspur and as such, the Police of Police Station Takhatpur, had no authority either to register the FIR or to investigate the matter. The Police Station, which had the territorial jurisdiction over the Nehru Nagar could have investigated the matter. It is the case of the respondent/complainant that she was residing at her in-laws house and as such, any investigation could have been done by the police Station falling within the area of Nehru Nagar, Bilaspur. The marriage was solemnized on 04.06.2025 and the FIR was lodged on 02.01.2026. The complainant alleged that soon after her marriage she was subjected to mental and physical cruelty but there is no explanation for such belated lodging of the FIR which creates grave doubt as to whether the allegations are correct or not.
- 5 Mr. Chatterjee further submits that on the next day of marriage of the petitioner No. 1 and the complainant/respondent No. 2, the mother of the petitioner No. 1 expired and they were in a state of mourn and as such, the allegation of treating the complainant with cruelty is totally false and baseless. It was rather the respondent No. 2 who has threatened the entire family of the petitioners to falsely implicate in the case of dowry. In fact, the respondent/complainant and her parents are having criminal antecedents. He further submits that the respondent No. 4 who is the brother of petitioner No. 1 resides at Baikunthpur and respondent No. 5 resides at Naini, Prayagraj, Uttar Pradesh but still they have been falsely



roped in this case. He prays that the FIR in question be transferred to Police Station, Civil Lines, Bilaspur who may investigate the matter.

- 6 On the other hand, Mr. Priyank Rathi, learned Government Advocate appearing for the respondent No. 1 and 3/State submits that on account of cruel treatment being meted to the respondent No. 2/complainant, she was compelled to leave her matrimonial house and had to take shelter at her parental house and as such, the Police Station at Takhatpur had also the jurisdiction to register the FIR and investigate the matter.
- 7 In nutshell, by this petition, the petitioners seek a direction to the police of Police Station, Takhatpur, to transfer the FIR bearing Crime No. 4/2026, to Police Station, Civil Lines, Bilaspur, where the alleged incident of cruelty and demand of dowry had taken place.
- 8 The Hon'ble Supreme Court in ***Rupali Devi v. State of Uttar Pradesh & Others*** {(2019) 5 SCC 384} has held that cruelty under Section 498A IPC is a continuing offence, and the Courts at the place where the wife takes shelter after being driven out would also have jurisdiction to entertain the complaint. Similarly, in ***Sunita Kumari Kashyap v. State of Bihar & Another*** {(2011) 11 SCC 301}, it has been held that if part of the cause of action arises at the place where the complainant resides after being subjected to cruelty, the Court within whose jurisdiction such place falls would have jurisdiction. In the present case, the complaint itself reveals that the complainant was allegedly driven out of her matrimonial home and compelled to reside at her parental house at Takhatpur. The consequences of the alleged cruelty, therefore, ensued at Takhatpur. In view of the law laid down by the Supreme Court, the Police Station at Takhatpur cannot be said to lack territorial jurisdiction. The contention regarding delay in lodging the FIR or falsity of allegations



pertains to disputed questions of fact, which cannot be adjudicated in writ jurisdiction. It is well settled that the High Court, while exercising jurisdiction under Article 226 of the Constitution, does not ordinarily interfere with investigation unless a clear case of lack of jurisdiction or abuse of process is made out. No material has been placed before this Court to demonstrate *malafide* investigation or prejudice warranting transfer of investigation from one police station to another.

- 9 In light of the above discussion, this Court finds no merit in the petition seeking transfer of investigation. Accordingly, the writ petition stands **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE