

1. NCW FILES APPLICATION SEEKING REVIEW OF SC JUDGEMENT

In the matter of Y Abraham Ajith Vs Inspector of Police , Chennai and Anr 2004 III AD (CRL) SC 468 , The Supreme Court on hearing the contention of the parties and examining the relevant Sections of the Cr. PC i.e. Section 177 ordinary places of inquiry and trial /section 178 places of inquiry and trial , Held that no part of cause of action arose in Chennai and therefore, the magistrate at Chennai had no jurisdiction to deal with the matter particularly when the alleged offences are not continuing offences and accordingly quashed the proceedings with liberty to the complainant to file the complaint in the appropriate court.

the decision of the Supreme Court raises a relevant issue, particularly in cases of marital discords, as to whether the case should be heard in the place of occurrence of the offence or where the women erred against is residing. Ordinarily, matrimonial discords and animosity, leads to the wife being forced to reside at the residence of her parents, which may be located at other place and unconnected with the place of occurrence of alleged offences. Therefore in cases where the women is thrown out of her matrimonial home and / or forced to reside with her parents at some other place, then the requirement that the complainant may file the complaint only at the place where the alleged offence was committed, appears to be harsh and may also in cases subject her to insecurity besides the unnecessary expenditure.