

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-13369-2014 (O&M)
Date of decision : 01.12.2015

Satnam Singh and others

...Petitioners

Versus

Baljinder Kaur

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Amandeep Soni, Advocate for the petitioner.

Mr. Abhinav Gupta, Advocate for the respondent.

JITENDRA CHAUHAN, J.

The present petition under Section 407 of the Code of Criminal Procedure, has been filed seeking transfer of the case titled “Smt. Baljinder Kaur Vs. Baljinder Singh and others”, under Section 12 of the Protection of Women from Domestic Violence Act, 2005, filed by the respondent against the petitioners, pending adjudication before the learned Judicial Magistrate 1st Class, Jalandhar, to any other court of competent jurisdiction at Amritsar.

The learned counsel for the petitioners states that the petitioners Nos.1 and 2 are the parents-in-law, petitioner No.3 is brother-in-law, petitioner No.4 is sister-in-law (wife of petitioner No.3), whereas, petitioner No.5 is married sister-in-law (nanad). All the petitioners have been residing at Amritsar. The respondent has

intentionally moved the present complaint before the Court at Jalandhar, with a view to harass the petitioners. The respondent herself has been at Baba Bakala, District Amritsar, after leaving the company of her husband.

On the other hand, the learned counsel for the respondent states that the respondent has been residing at Jalandhar, at the mercy of her brother.

After hearing learned counsel for the parties and perusing the case file, this Court is of the considered opinion that there is no strong ground to transfer the case from Jalandhar to Amritsar. The respondent has been residing at Jalandhar and the complaint had been instituted by her at Jalandhar. Moreover, in matrimonial disputes, the convenience of the wife is to be seen, as has been held by the Hon'ble Supreme Court in *Lalita Vs. Kulwinder Kumar, 2007 (15) SCC 667*. The trial is already in progress and both the parties have been appearing before the Court, therefore, transferring the proceedings, at this stage, would unnecessarily cause delay in conclusion of the trial.

In view of the above, the present petition is hereby dismissed.

01.12.2015
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(JITENDRA CHAUHAN)
JUDGE