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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2233 of 2015 [O&M]

Date of Decision:- 13.10.2015.

Suman

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. D.K.Prajapati, Advocate,
Mr. R.S.Madan, Advocate
for respondents No. 2 to 4.

SHEKHER DHAWAN, J.

CRM No. 16968 of 2015

Application is allowed as prayed for.

Reply alongwith annexures on behalf of respondents no. 2 to 4
is taken on record.

Main Petition.

Present petition under Section 407 read with Section 482
Cr.P.C. for transfer of case arising out of FIR No. 187 dated 14.06.2013
under Sections 498-A, 323 and 34 IPC [Annexure P/1] registered at Police
Station City Dabwali, District Sirsa from the Court of Sub Divisional Judicial
Magistrate, Dabawali to any other Court of competent jurisdiction at District

Panchkula.

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2. Learned counsel for the petitioner submitted that the petitioner was married to Sanjeev Kumar, respondent No.2 as per Hindu rites and ceremonies and respondents started harassing her for bringing insufficient dowry and raised demand of dowry articles and accordingly, the aforesaid FIR was registered by her at Police Station, Dabwali. He has further submitted that the petitioner is a government teacher and is posted at Panchkula, whereas, the case on the basis of FIR, Annexure P/1, is pending in the Court at Dabwali, which is at a distance of 300 Kms. from Panchkula. The petitioner is residing at Panchkula and is having a minor daughter and there is no male member with the petitioner to attend to the Court proceedings at Dabwali. So, the trial of the case be transferred from Dabwali to the Courts at Panchkula.

3. Learned counsel for respondents no. 2 to 4 have submitted that charge has already been framed in this case by the Court and case is fixed at the stage of Prosecution evidence. No threat was ever advanced to the petitioner. It is not impossible for her to go with her minor child to Dabwali. More so, inconvenience caused to the prosecution and witnesses is also to be seen while considering the request of the petitioner. In support of his arguments, learned counsel for respondents No. 2 to 4 has placed reliance upon the decisions of Hon`ble Supreme Court of India in **Monica and another Vs. State of Rajasthan, 2009(4) R.C.R. [Criminal] 854** and **Bhiaru Ram & Ors. Vs. Central Bureau of Investigation & Ors., 2010 (3) R.C.R. [Criminal] 929.**

4. Having considered the matter in its entirety, the petitioner is living at Panchkula where she is working as a teacher. The petitioner has to go to Dabwali to attend to the Court proceedings which is at a distance of about 300 Kms from Panchkula. The facts of the case in hand are

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distinguishable from the facts of **Monica and another** and **Bhiaru Ram's cases [supra]** because in the present case, the petitioner is the main aggrieved person and is a victim in the case. She shall have to attend to the Court proceedings while travelling such a long distance. She is also to look after her minor child and to attend to her official duties at Panchkula. Similar issue was before Hon`ble Supreme Court and this Court in **Neelam Kanwar Vs. Davinder Singh Kanwar, 2001[1] MLJ 509** and **Kiran Bala Vs. Ram Phal, 2005 [3] RCR [Civil] 511** wherein, it has been held that the matrimonial cases should be transferred at or near the place of residence of wife.

5. Resultantly, this petition is allowed and the case arising out of FIR No. 187 dated 14.06.2013 under Sections 498-A, 323 and 34 IPC [Annexure P/1] registered at Police Station City Dabwali, District Sirsa is transferred from the Court of Sub Divisional Judicial Magistrate, Dabwali to the Court of competent jurisdiction at Panchkula.

13th October, 2015
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(Shekher Dhawan)
Judge