

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

CRM-M-26476-2015 (O&M)
Date of decision : 31.10.2015

Dipti

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: None for the petitioner.

Mr. Arun Luthra, AAG, Haryana.

Mr. Sagar Aggarwal, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The present petition under Section 407 of the Code of Criminal Procedure, has been filed seeking transfer of the case titled “State Vs. Parveen Kumar”, arising out of FIR No.144 dated 24.02.2015, pending adjudication before the learned Chief Judicial Magistrate, Kurukshetra, to the Court of competent jurisdiction at Kaithal.

There is no assistance on behalf of the petitioner, however, it has been averred in the petition that the petitioner is presently residing at Kaithal and pursuing Masters degree at I.G. College, Kaithal. She has no source of income and she is unable to bear the expenses of litigation and travel from Kaithal to Kurukshetra, which is

situated at a distance of about 45 kms. Three cases arising out of the same matrimonial dispute are already pending adjudication before the competent Courts at Kaithal.

Short reply by way of affidavit of respondent No.2, has been filed in the Court, which is taken on record. The learned counsel for respondent No.2 contends that the FIR in question was registered at Kurukshetra at the behest of the petitioner. One of her close relatives is a judicial officer at Kaithal. Therefore, he prays for dismissal of the present petition.

After perusing the case file and hearing learned counsel for respondent No.2, this Court is of the considered opinion that there is no strong ground to transfer the case from Kurukshetra to Kaithal. The trial is already in progress and 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.

However, respondent No.2-husband shall pay travelling expenses to the petitioner at the rate of Rs.1,000/-, on her each appearance before the trial Court.

31.10.2015
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(JITENDRA CHAUHAN)
JUDGE