

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-28054 of 2015

.....

Date of decision:21.8.2015

Pankaj Jaswal

.....Petitioner

v.

Minakshi Devi

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Krishan Singh Dadwal, Advocate for the petitioner.

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Inderjit Singh, J.

This petition has been filed under Section 407 Cr.P.C. for transfer of criminal complaint No.24 dated 27.7.2015 (Annexure-P.4) titled as “Minakshi Versus Pankaj Jaswal” filed under Sections 12, 17, 18 and 20 of the Domestic Violence Act, 2005 (hereinafter referred to as ‘the Act’) from the Court of learned Judicial Magistrate Ist Class, Mukerian, District Hoshiarpur to the Court of competent jurisdiction at Chandigarh, where the petition (Annexure-P.3) filed under Section 9 of The Hindu Marriage Act, 1955 titled as “Pankaj Jaswal Versus Minakshi” is already pending for consideration.

At the time of arguments, learned counsel for the petitioner mainly argued that this complaint is a counter-blast and this Court can even

grant the protection to the respondent as she is praying in the complaint filed under the Domestic Violence Act. Learned counsel also argued that the complaint filed against the present petitioner is due to mala fide intention. It is also argued that the inconvenience will be caused to the other family members, who are party in those proceedings.

After hearing learned counsel for the petitioner and after going through the record, I find that this complaint is counter-blast and protection can be granted to the respondent or the proceedings have been filed with mala fide intention, all these points are to be decided by the trial Court on the basis of evidence. However, the transfer petition on these points can not be decided.

As regards the inconvenience to the husband to visit Mukerian, there is no such law that any inconvenience of the husband or other family members is to be seen in the criminal proceedings for the transfer of the petition.

Therefore, from the above discussion, I find that there is no ground for transfer of the case and the petition is dismissed.

August 21, 2015.

(Inderjit Singh)
Judge

hsp