

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-7555 of 2012 (O&M)
Date of Decision: February 11, 2015

Rekha Rani alias Darshan Kaur

...Petitioner

VERSUS

Surinder Pal Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Nakul Sharma, Advocate
for the petitioner.

Mr.Vivek Suri, Advocate
for the respondents.

INDERJIT SINGH, J.

Petitioner Rekha Rani alias Darshan Kaur has filed this petition under Section 407 read with Section 482 Cr.P.C. for transfer of complaint case No.87 dated 13.08.2009 titled as 'Rekha Rani @ Darshan Kaur vs. Surinder Pal Singh and others' filed under Section 12 of the Protection of Women from Domestic Violence Act (for short 'DV Act') pending before the Court of learned Sub Divisional Judicial Magistrate, Dhuri to the Court of competent jurisdiction at Jalandhar and for staying further proceedings in the aforesaid case.

It is mainly stated in the petition that petitioner is residing at her parental house with minor child and it is not possible for her to come on each and every date of hearing at Dhuri with minor child after

covering a distance of 300 kms. It is also stated that petitioner is not having any income. It is very difficult for her to attend hearings of the case at Dhuri. It is also stated that it is settled law that solely the convenience of the wife is to be given weightage for ordering transfer of the divorce petition at or near the place where the wife has been residing. Further, the petition under Section 125 Cr.P.C. has also been filed before the Illaqa Magistrate, Jalandhar. It is also stated in the petition that petition under Section 25 of the Guardian and Wards Act and petition under Section 9 of the Hindu Marriage Act have been filed by the respondents before learned Add. Civil Judge (Senior Division), Dhuri.

Notice of motion was issued in this case and learned counsel for the respondents appeared, filed reply and contested the petition.

At the time of arguments, learned counsel for the petitioner argued that petition under Section 9 of the Hindu Marriage Act has already been transferred by this Court vide order dated 15.11.2013 from Dhuri to Jalandhar for disposal in accordance with law.

I have heard learned counsel for the parties and have gone through the record.

There is no dispute regarding the facts that matrimonial dispute arose between the petitioner and her husband. It is admitted fact that the petition under Section 125 Cr.P.C. is pending in the Courts at Jalandhar and petition under Section 9 of the Hindu Marriage Act has been transferred from Dhuri to Jalandhar. As per

the averments, two cases i.e. one under Section 25 of the Guardian and Wards Act and another case under Section 12 of DV Act, are pending at Dhuri. As per law, criminal cases are generally to be tried at the place where the jurisdiction of the criminal court lies. The convenience and inconvenience of the parties are not to be seen for the criminal cases. In the present case, it would have been different matter if the dispute would have been between the petitioner and her husband only. As per the record, proceedings under Section 12 of the DV Act have been launched against five respondents, out of which, three are ladies. Therefore, if the case is transferred, then these five respondents are to cover the same distance from Dhuri to Jalandhar and three ladies, who are respondents, shall face the same inconvenience.

In view of the above discussion, I do not find any ground to transfer the complaint case under Section 12 of the DV Act from Dhuri to Jalandhar.

Therefore, finding no merit in the present petition, the same is dismissed.

February 11, 2015
Vgulati

(INDERJIT SINGH)
JUDGE