

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

Crl. Misc. No.M-44020 of 2015 (O&M)

Date of Decision: 24.12.2015

Karamjit Kaur

.. Petitioner

Vs.

Prithipal Singh & Anr.

.. Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. Gulzar Mohd., Advocate
for the petitioner.**

ANITA CHAUDHRY, J.

A criminal complaint under Sections 380, 411, 468, 469, 500 and 506 IPC, filed by the petitioner against the respondents is pending in the Court of learned Judicial Magistrate, Khanna. After summoning of the respondents in the case, the petitioner filed an application before the Chief Judicial Magistrate, Ludhiana seeking transfer of the case from Khanna to Ludhiana alleging that she was pressurized by the Presiding Officer to withdraw the case and that the respondents were proclaiming that the Presiding Officer was under their influence.

After hearing the parties, learned Chief Judicial Magistrate dismissed the application vide order dated 03.12.2015, which has been challenged by the petitioner in the instant petition.

I have heard learned counsel for the petitioner and perused the paper book.

The operative part of the impugned order reads as under:-

"4. This court has heard rival submissions made by the counsel for the parties. This court has also perused the record of the trial court file and this court is of the considered view that the grounds mentioned in the application are not found to be justified. If the applicant has no faith in one court and he levels allegations against the court then it is likelihood that he may not get satisfied from the other court to which the case would be transferred. The parties must post faith in the judicial system and the judicial officers who are working hard with voluminous work and burden of disposal. It is easy to level allegations without sufficient reasons and cause and the applicant cannot be allowed to make the courts a forum shope as per his own choice. This type of practice is primarily adopted by the parties when they apprehend as guided, that the case may be decided against them under their own misconception. These types of transfer applications hamper the course of justice and encourage the parties to level false allegations against the presiding officer of the court. These type of practices must curved(?). The cases cannot be transferred in routine on the basis of whims and fancies of the parties....."

In the considered opinion of this Court, the order is well reasoned and there is no illegality or perversity in it. The petitioner has not been able to make out a case for transfer. A case cannot be transferred on the mere asking. The apprehensions in the mind of the petitioner are not well founded. The reasons on which the transfer is sought cannot be said to be reasonable. For transfer of a criminal case, there must be a reasonable apprehension on the part of a party to a case that justice will not be done. Mere allegations that justice will not be done, is just not enough.

The petition is dismissed in limine.

December 24, 2015
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(ANITA CHAUDHRY)
JUDGE