

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-6262 of 2015 (O&M)

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Date of decision:4.12.2015

Anita Rani

.....Petitioner

v.

State of Haryana and others

.....Respondents

....

(2) Criminal Misc. No.M-6410 of 2015

.....

Anita Rani

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Coram : Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Vishal Rattan, Advocate for the petitioner.

Mr. Brijesh Sharma, Assistant Advocate General, Haryana
and Mr. Arun Kumar, Assistant Advocate General, Haryana
for the respondent-State.

Mr. Kuldip Singh Chaudhary, Advocate for private respondents
in both the petitions.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions as
these have been filed under Section 407 read with Section 482 Cr.P.C. i.e.
Criminal Misc. No.M-6262 of 2015 for transferring the criminal case

pertaining to FIR No.27 dated 28.1.2010 registered for the offences under Sections 406 and 498-A at Police Station Pehowa, District Kurukshetra, titled as “State of Haryana Vs. Darshan Lal and others”, pending before the learned Sub Divisional Judicial Magistrate Pehowa and Criminal Misc. No.M-6410 of 2015 for transferring the criminal complaint No.247 of 2013 dated 13.6.2010 filed for the offences under Sections 323 and 504 IPC, which is pending before learned Sub Divisional Judicial Magistrate, Pehowa to the competent Court of jurisdiction at Mohali.

Notice of motion has been given in these petitions.

Mr. Brijesh Sharma, learned Assistant Advocate General, Haryana and Mr. Arun Kumar, learned Assistant Advocate General, Haryana have put in appearance on behalf of the respondent-State and Mr. Kuldip Singh Chaudhary, learned Advocate has appeared on behalf of private-respondents and contested these petitions.

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

At the time of arguments, learned counsel for the petitioner argued only on one point regarding inconvenience of the present petitioner, who is wife of Ravinder Kumar. A perusal of the record shows that there is matrimonial dispute between petitioner Anita Rani with her in-laws. One case has been got registered on behalf of Anita Rani-complainant for the offences under Sections 406 and 498-A IPC and the other criminal complaint has been filed by her in-laws against the petitioner. Learned counsel for the petitioner argued that the petitioner is residing with her

parents at Mohali, therefore, both these petitions i.e. complaint case and State case be transferred to the competent Court at Mohali.

After hearing learned counsel for the parties, I find that as regards the FIR case filed on behalf of the petitioner, the FIR is of 2010 and this matter is pending in the Court at Pehowa, District Kurukshetra, the accused in that case includes mother-in-law, father-in-law and one Jaswinder Kumar i.e. brother-in-law. The criminal proceedings in this case are already pending for the last about 4/5 years at Pehowa and the petitioner is to appear only for giving the evidence for one time. Therefore, no inconvenience will be caused to the petitioner if the case remains at Pehowa. If this case is transferred to Mohali, then the accused persons including mother-in-law of the petitioner has to come to Mohali on each and every date being accused in that case. The witnesses are also to come to Mohali which will cause inconvenience. Therefore, in view of the above, I find that this case is not liable to be transferred.

Finding no merit in Criminal Misc. No.M-6262 of 2015, the same is dismissed.

As regards the second petition i.e. Criminal Misc. No.M-6410 of 2015, it is stated that criminal complaint for the offences under Sections 323 and 504 IPC has been filed by Jaswinder Kumar against Anita Rani. If the petitioner feels that on any date she cannot go or it is not convenient for her to attend the Court at Pehowa, District Kurukshetra, she can apply for personal exemption to the trial Court. The complainant is also to appear in the complaint case to pursue the proceedings. Therefore, on the ground of

inconvenience to the petitioner, this case cannot also be transferred.

Therefore, finding no merit in Criminal Misc. No.M-6410 of 2015, the same is also dismissed.

December 4, 2015.

(Inderjit Singh)
Judge

hsp