

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

CRM-M-7338-2014

Date of decision : 19.10.2015

Manpreet Kaur

...Petitioner

Versus

Ajay Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

None for the respondent.

JITENDRA CHAUHAN, J. (ORAL)

This Transfer Petition has been filed under Section 407 of the Code of Criminal Procedure seeking transfer of complaint case bearing No.558, dated 05.09.2012, filed by the petitioner-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short – 'the Act') titled 'Manpreet Kaur v. Ajay Kumar' from the Court of Addl. Civil Judge-cum-SDJM, Tohana to some other Court of competent Jurisdiction at Sangrur.

Learned counsel for the petitioner-wife has contended that the respondent-husband abused and insulted her in the presence of her mother, maternal aunt Sukhdeep Kaur and her son Ramphal. He also gave merciless beatings upon the petitioner and refused to keep her at the matrimonial home. Being aggrieved against, the petitioner-wife has filed a complaint in the Court of SDJM, Tohana, District Fatehgarh and on the directions of the trial

Court, FIR No.258, dated 17.09.2012 was registered at Police Station Tohana, District Fatehgarh under Sections 498-A, 406, 323, 506 IPC and the same is pending in the Court of Addl. Civil Judge (Senior Division)-cum-SDJM, Tohana.

Learned counsel for the petitioner-wife has further contended that after registration of the FIR, the respondent-husband used to attack the petitioner and her mother at the time of appearance before the Court. On 18.12.2013, again the respondent-husband beat up the petitioner when she was on the way to attend the hearing and also threatened to kill her in the eventuality of her not withdrawing the case against him.

Aggrieved against the same, the petitioner-wife had moved representations to SHO, PS City Tohana and DSP, City Tohana, but no action was initiated by them.

Learned counsel for the petitioner-wife further submits that after she was ousted from her matrimonial home has been residing with her ailing mother and it is very difficult for a woman to go on each and every date of hearing with a minor child of one year and two months to attend the Court at Tohana, District Fatehabad by covering a distance more than 70 kms (approximately).

Heard.

There is no proof with regard to the age or ailment of the mother of the petitioner-wife. Simultaneously, nothing has come on record in support of the assertion of the petitioner-wife that she was

given beatings.

Accordingly, the petition is dismissed.

However, the respondent-husband shall pay ₹ 1,500/- towards travelling expenses in favour of the petitioner-wife, on each visit, from Village Sunam, District Sangrur to Tohana, District Fatehabad, over and above any other benefit to which the petitioner-wife was found to be entitled to.

19.10.2015
yogesh

(JITENDRA CHAUHAN)
JUDGE