

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

**CRM-M-24470-2016 (O&M)
Date of decision: 20.12.2016**

Gaurav Jain

.....Petitioner

Versus

Deepak Garg

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikas Mohan Gupta, Advocate,
for the petitioner.

Ms. Payal Mehta, Advocate,
for the respondent.

Ritu Bahri, J.

Petitioner is seeking transfer of Criminal Complaint No.31 dated 03.03.2015, titled as Deepak Garg Vs. Priya Garg, (Annexure P-4) from the Court of Judicial Magistrate Ist Class, Chandigarh to any other competent Court at Hansi, District Hisar.

Learned counsel for the respondent has argued that the present petitioner is only a witness in the aforesaid complaint, which is at the stage of recording of preliminary evidence. Therefore, he cannot seek transfer of the trial from Chandigarh to any Court of competent jurisdiction at Hansi, District Hisar.

The background of the case is that Smt. Priya Garg, sister of the petitioner is having a matrimonial dispute with her husband Deepak Garg (respondent herein) and a petition under Section 13 of the Hindu Marriage

Act, 1955 is pending in a Court at Hansi. Even a civil suit (Annexure P-2) filed by Deepak Garg in the Civil Court at Chandigarh has been transferred to Hansi vide order dated 24.02.2016 (Annexure P-3) passed by this Court in TA No.761 of 2015.

However, keeping in view that the petitioner is only a witness in the complaint (Annexure P-4), he cannot seek transfer of this complaint to Hansi. Moreover, even the preliminary evidence has not been recorded in the complaint. The proper party to seek transfer would be Priya Garg, wife of Deepak Garg, who has been arrayed as accused in the present complaint.

Resultantly, no ground is made out to transfer the complaint (Annexure P-4) from Chandigarh to Hansi.

Dismissed.

20.12.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No