

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

CRM-M-27663 of 2015 (O&M).
Decided on:-22.08.2016.

Seema Juneja.

.....Petitioner.

Versus

Sukhdev Singh.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ishan Sharma, Advocate
for the petitioner.

None for the respondent.

HARI PAL VERMA, J.

The petitioner has filed this transfer application under Section 407 Cr.P.C. seeking transfer of the case filed by the respondent-complainant titled as “Sukhdev Singh Versus Seema Juneja” under Section 138 of the Negotiable Instruments Act, 1881 (for short, the Act) from the Court of Judicial Magistrate 1st Class, Barnala to any other competent Court at Ludhiana.

The respondent-complainant has filed a complaint under Section 138 of the Act against the petitioner-accused. As per complainant, the petitioner has borrowed a sum of Rs.15 lacs in cash from the respondent-complainant for domestic purpose and in discharge of her liability of payment, she has issued a cheque bearing No.07691 dated 15.10.2012 for a

sum of Rs.15 lacs in favour of the respondent-complainant drawn on ICICI Bank Dugri, Ludhaina Branch, Ludhiana. The said cheque, when presented by the complainant through his banker for clearance, was returned for the reason that payment of the cheque has been stopped by the petitioner-accused. When the complaint was pending before learned Magistrate, the petitioner-accused has filed the present petition seeking transfer of the said complaint.

Learned counsel for the petitioner has argued that the petitioner has been dragged in the cases, because of her husband and she has been made victim of unwanted cases. The respondent has filed complaint under Section 138 of the Act at Barnala with ulterior motive so that the petitioner can be harassed and pressure may be mounted. The respondent is facing many trials at Ludhiana and distance between Ludhiana and Barnala is approximately 100 Kms. The petitioner is working in a private school and it is difficult for her to come all the way from Ludhiana to Barnala. Therefore, in all fairness, the said complaint needs to be transferred from Barnala to Ludhiana.

Notice was issued to the respondent-complainant, but no one has put in appearance on his behalf despite service.

I have heard learned counsel for the petitioner.

Plea of the petitioner that many other cases are pending between the parties at Ludhiana is no ground to transfer the case. The allegation against the petitioner is that she has issued a cheque for an amount of Rs.15

lacs and when the payment was stopped, the respondent-complainant has filed complaint under Section 138 of the Act at Barnala, the place where cause of action has arisen to the respondent. Merely because the petitioner is residing in Ludhiana is no ground to transfer the case from Barnala to Ludhiana. The complainant has a right to opt competent jurisdiction of the Court and his convenience cannot be ignored.

In view of the above, this Court does not find any plausible reason to transfer this complaint from Barnala to Ludhiana. The present petition is, accordingly, dismissed.

August 22, 2016
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes / No

Whether Reportable: Yes / No