

CRM-M-41210-2014 (O&M)

Date of Decision : 23.11.2016

Ranjit Kaur

.....Petitioner

versus

Harjit Singh

....Respondent

CORAM : HON'BLE MS. JUSTICE RITU BAHRI**Present:** Mr. Manamarjot Singh Sodhi, Advocate
for the petitioner.Mr. Eklavya Darshi, Advocate
for the respondent.**RITU BAHRI, JUDGE (ORAL)****CRM-25472-2016**

This is an application under Section 482 Cr.P.C. for preponing the main case i.e. CRM-M-41210-2014.

For the reasons mentioned in the application, the same is allowed and the main case is taken up for hearing today in the Court, itself.

CRM-M-41210-2014

Petitioner is seeking direction to transfer the complaint No. CRL 167 of 2012 under the Protection of Women from Domestic Violation Act, 2005 ('Act' - for short) along with application 23 of the Act pending in the Court of Judicial Magistrate, Ludhiana (Annexure P-1), transfer of contempt proceedings pending in the Court of Judicial Magistrate First Class, Ludhiana (Annexure P-4) in view of order dated 14.02.2013.

Learned counsel for the petitioner states that the prayer to

transfer execution petition dated 14.02.2013 (Annexure P-3) has been rendered infructuous as the same was disposed of on 02.03.2015. The proceedings under Section 125 Cr.P.C as well as complaint under Sections 406, 498-A and 506 are already pending at Rajpura Court.

The petitioner has solemnized the marriage with respondent on 08.12.1995 and was blessed with two male children on 12.10.1996 and 24.10.2000. On account of behaviour of respondent and his parents towards the petitioner, she could not stay in matrimonial house as the minor children were not given education properly. The petitioner's minor children were turned out of the house in three clothes by retaining the entire Istri-Dhan of the petitioner and compelled by the circumstances, the petitioner filed complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 at Ludhiana on 16.10.2012. Petitioner was granted interim maintenance as Rs. 4,000/- per month to the petitioner and Rs. 3,000/- per month to each of the minor children vide order dated 14.02.2013 (Annexure P-2) and this amount has been paid in execution petition No. 39732 of 2013 (Annexure P-3). The petitioner's grievance is that she is facing six cases at Ludhiana and has to cover about 100 KMs from Rajpura. Harassment is caused to her as she is bringing up the minor children as well.

Pursuant to the order dated 14.09.2016, service has been effected upon respondent but none has put in appearance on behalf of the respondents, despite being served. Petitioner at the same time by

way of criminal miscellaneous application No. 25472 of 2016 has informed the Court that the execution petition has been disposed of having been duly satisfied as per Annexure P-3/A and the status of the contempt proceedings Annexure P-4 is fixed for filing written statement and in the complaint Annexure P-1, the case is fixed for prosecution evidence in which three prosecution witnesses (PW1 - PW3) have already been examined-in-chief.

After going through the contents of the petition, this Court is of the view that keeping in view the fact that the proceedings under Section 125 Cr.P.C and a complaint under Sections 406, 498-A & 506 IPC are already pending in Rajpura, this petition is allowed.

Complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 pending at Ludhiana (Annexure P-1) and the contempt proceedings pending in the Court of Judicial Magistrate First Class, Ludhiana (Annexure P-4) are being transferred to Rajpura.

Copy of this order be sent to the learned District and Sessions Judge, Ludhiana for information and necessary action.

(RITU BAHRI)
JUDGE

23.11.2016
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No