

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41538-2014

Date of Decision:- 16.12.2016

Rajbir Kaur

....Petitioner

Versus

Sukhraj Singh Ghuman and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Upender Prashar, Advocate
for the petitioner.**

**Mr. M.S. Sachdeva, Advocate
for the respondents.**

RITU BAHRI, J. (Oral)

Petitioner is seeking directions for transfer of case number COMA 0000053/14 dated 08.07.2014 titled as Rajbir Kaur Vs. Sukhraj Singh Ghuman and others, under Sections 9(b), 12, 17, 18, 19, 20, 22, 37(2) (c) of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-1), pending in the Court of learned Judicial Magistrate 1st Class at Batala to the Court of competent jurisdiction at Amritsar.

Briefly, the facts of the case are that the marriage of petitioner and respondent No.1 was solemnized on 18.12.2012, according to Sikh rites. They lived together as husband and wife at village Quadian Tehsil Batala, District Gurdaspur and no issue was born out from this wedlock.

Respondent No.1 left India and went to USA on 05.01.2013. Thereafter, she started to improve education and took admission in Oracle Course at Amritsar. The fee of the said course was paid by her father. Even respondent No.1 did not support the petitioner and refused to pay any maintenance to her. The petitioner thereafter filed an application (Annexure P-2) under Section 125 of the Cr.P.C. on 09.04.2016 at Amritsar and the same is pending in the Court of JMIC, Amritsar. Thereafter, on account of maltreatment and harassment, the petitioner lodged a complaint (Annexure P-3) to the Commissioner of Police, Amritsar. Subsequently, the complaint (Annexure P-1) under the Domestic Violence Act, was filed at Batala and the same is pending at Batala.

On notice, reply has been filed on behalf of respondent Nos.2 to 6 and they have placed on record complaint (Annexure R-2/1) alleging therein that on 17.01.2014, Rajinder Pal Sandhu, father of the petitioner and Harjinder Pal Singh along with 25/30 unidentified persons came to the house of answering respondent No.2 at Qadian and gave threats to them. A telephone call was given on 10.02.2014 to his son at America that they along with 50 persons will leave the girl forcibly at our house in Qadian. Thereafter, as per report (Annexure R-2/2), the FIR was not registered as there was a dispute between husband and wife, no offence was made and the application was recommended to be consigned.

Learned counsel for the respondents has informed that during the pendency of this petition, a criminal complaint under Section 200 Cr.PC. was filed before the Judicial Magistrate at Batala by the servant, who was present in the house when the parents of the petitioner has come to the house of the respondents and threatened them. This application is pending

trial at Batala. This fact is not being disputed by the counsel for the petitioner.

Learned counsel for the petitioner has informed that apart from petition filed under Section 125 Cr.P.C. (Annexure P-2), the respondents are facing trial under Section 498-A IPC, at Amritsar City. The petitioner is resident of Amritsar and is facing very difficulty to attend the Court proceedings in a complaint (Annexure P-1), which is pending at Batala.

Learned counsel for the respondents at the same time has argued that on account of threat perceptions, the respondents are opposing the transfer of complaint (Annexure P-1).

After hearing the learned counsel for the parties, going through the record, this Court is of the considered view that the present petition deserves to be accepted and the same is hereby allowed. Accordingly, COMA 0000053/14 dated 08.07.2014 titled as Rajbir Kaur Vs. Sukhraj Singh Ghuman and others, under Sections 9(b), 12, 17, 18, 19, 20, 22, 37(2) (c) of the Protection of Women from Domestic Violence Act, 2005 (Annexure P-1) pending in the Court of learned Judicial Magistrate 1st Class at Batala is ordered to be transferred to the Court of competent jurisdiction at Amritsar.

Needless to mention, in case, the respondents receive any threats at the instance of petitioner or her family members, then, they would be at liberty to approach the Commissioner of Police, Amritsar, in accordance with law.

December 16, 2016
naresh.k

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No