

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-44210 of 2015
Date of Decision: 21.09.2016

Jyoti

.....Petitioner

Vs.

Sahil Kumar

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Aseem Kataria, Advocate, for the petitioner.

Mr.Amit Aggarwal, Advocate, for the respondent.

RITU BAHRI, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 09.12.2015 whereby the transfer application filed by the petitioner for transfer of the criminal case in FIR No.14 dated 30.03.2015 under Section 498-A of IPC registered at Police Station City-II Abohar, pending in the court of learned JMIC Abohar to the competent Court of jurisdiction at Fazilka.

A perusal of the order dated 09.12.2015 shows that in the trial Court case “State Vs. Sahil Kumar” FIR No.14 dated 30.03.2015 for the offence under Section 498-A IPC is already pending in the Court of JMIC, Abohar and fixed for prosecution evidence and complaint case “Jyoti Vs. Sahil” for the offence under Section 406/498 IPC pertains to the same occurrence is pending at Fazilka. The trial Court has dismissed the application for transfer of the FIR case for want of sufficient ground.

Learned counsel for the petitioner submits that a criminal complaint against the respondent and other family members under Sections

406/498A/406/120-B IPC is pending in the Court at Fazilka and petitioner has also filed a petition under Section 125 Cr.P.C. for grant of maintenance to the petitioner and her minor daughter, which is also pending in the Court at Fazilka and now petitioner is presently residing at her parental house at Fazilka, as such, FIR case pending at Abohar Court may kindly be transferred to Fazilka.

In view of the reasons mentioned above, this petition is allowed. The order dated 09.12.2015 is set aside and the FIR case pending at Abohar Court i.e. State Vs. Sahil Kumar in FIR No.14 dated 30.03.2015 for the offence under Sections 498-A IPC registered at PS City II Abohar, is ordered to be transferred at the competent Court of jurisdiction at Fazilka.

(RITU BAHRI)
JUDGE

21.09.2016
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