

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-7238 of 2016

Monica @ Monika

... Petitioner

versus

Sanjay

... Respondent

Crl. Misc. No. M-7407 of 2016

Monika

... Petitioner

versus

State of Haryana and others

... Respondents

Crl. Misc. No. M-7408 of 2016

Sarita and another

... Petitioners

versus

Mannu @ Manua

... Respondent

Date of decision : 22.07.2016

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Deepak Girotra, Advocate
for the petitioner(s)

ANITA CHAUDHRY, J. (ORAL)

These are three separate petitions filed by the petitioner(s) under Section 407 Cr.P.C. seeking transfer of case pending before the District Judge (Family Court) Sonapat to the Court of competent jurisdiction at Rohtak.

An FIR No. 51 dated 23.07.2015 was lodged under Sections 498-A, 406, 323, 506, 34 IPC at Women Police Station, Sonipat at the behest of the wife. Challan had been presented. The petitioner seeks transfer of the case to competent Court at Rohtak as the petition under Section 13 of the Hindu Marriage Act is pending at Rohtak. The counsel states that petitioner(s) alongwith her parents were earlier residing at Sonapat but they have now shifted to Rohtak and it would be

dated 26.02.2015 have been filed under Section 125 Cr.P.C. titled as Monica vs. Sanjay and Sarita and others vs. Mannu @ Manua. He prays that all the three cases be transferred to Rohtak.

The petitioner was asked to place on record some documents to show that the petitioner was living at Rohtak and when they had shifted. The petitioner has placed on record the Aadhar Card of her father.

The petitions have been filed in 2016. The FIR was registered in 2015. The date of preparation of the Aadhar Card is not clear. The distance between Sonapat and Rohtak is not more than 60 Kms. In the case registered under the Indian Penal Code the complainant will have to come only for one day for getting her statement record. The investigating officer, medical officer will have to travel to another district to make their statements in the trial. The trial can not be transferred to another districts only because it will be convenient for her. It would lead to loss of public exchequer.

The petition is silent as to when the family had shifted to Rohtak. The counsel had also referred to an incident which had taken place in the Court. There is no material to support that fact. Cases can not be transferred on mere asking or mere apprehensions or because it is convenient for them.

No case for transfer is made out.

All the three petitions are dismissed.

July 22, 2016

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**(ANITA CHAUDHRY)
JUDGE**