

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

Criminal Misc. No. M-23089 of 2016

Date of Decision:-07.02.2017

Darshna

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.R.K. Saini, Advocate for the petitioner.

Ms.Mahima Yashpal,AAG, Haryana.

Mr.Sanjiv Gupta, Advocate for respondents No. 2 to 5.

RITU BAHRI J.(Oral)

Through the instant petition, the petitioner is seeking transfer of the case No.124-1 of 2015 titled as **“State Vs. Sandeep Kumar and others”** in FIR No.89 dated 08.05.2015 registered under Sections 323, 498-A, 506 and 34 IPC, registered at Police Station Nathu Sari Chopta, Distt. Sirsa, pending in the Court of learned JMIC Sirsa to the competent court at Hisar.

The FIR (Annexure P1) was got registered by the complainant with the allegation that after her marriage solemnized on 11.10.2013 with respondent No.2-Sandeep Kumar, she was harrassed by respondent No.2 and his family members for not giving proper dowry. Moreover, respondent No.2 and his other family members treated the petitioner with utmost cruelties and she was given many time mericless beatings. After investigation, challan was presented and trial in this case was fixed for recording of prosecutiion evidence on 26.07.2016.

Learned counsel for the petitioner has informed the Court that three petitions i.e. petition under Section 125 Cr.P.C., under protection of Women from Domestic Violence Act and under Section 13 of the Hindu Marriage Act, are pending at Hisar. He further informed that the divorce petition filed by the husband.

A reply dated 06.11.2016, by way of affidavit of Ravinder Kumar, HPS, Dy. Superintendent of Police, Ellenabad, Distt. Sirsa has alredy been filed on behalf of respondent No.1.

Learned State counsel on the strength of the reply, it is stated that after presentation of the challan, none of the accused have been declared as proclaimed offender. The respondents-authorites had already taken a stand in the reply that the abovesaid case FIR had already been investigated by the Police of Police Station, Nathusari Chopta, and the police had submitted final report before the Court of learned Illaqa Magistrate, Sirsa as well as the trial of the case had already begun with the order for examination of Pws. Therefore, at this stage, it will not be in the interest of administration of justice to transfer the abovesaid case to the Court at Hisar.

I have heard learned counsel for the parties.

Nobody cause appearance on behalf of the respondents No. 2 to 5, despite service.

Keeping in view of the fact that three petitions are already pending at Hisar, this petition is allowed. Accordingly, trial Court is directed to transfer the case No.124-1 of 2015 titled as **“State Vs. Sandeep Kumar and others”** in FIR No.89 dated 08.05.2015 registered under Sections 323, 498-A, 506 and 34 IPC, registered at Police Station Nathu Sari Chopta, Distt. Sirsa, pending in the Court of learned JMIC Sirsa to the competent court at Hisar.

07.02.2017
Anjal

(RITU BAHRI)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No