

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

CRM No.M-24085 of 2017 (O&M)

Date of Decision: July 25, 2017

Harneet Kaur

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Maninder Singh Bajwa, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for transfer of case trial in FIR no.194 dated 13.12.2015 under Sections 323, 342 and 34 IPC registered at Police Station Division No.7, Jalandhar City, pending in the Court of learned Chief Judicial Magistrate, Jalandhar, to a court of competent jurisdiction within District Amritsar.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that petitioner is the complainant in FIR case under Sections 323, 342 and 34 IPC, whereas respondents No.2 to 4 are accused. As it is a FIR case, the complainant need not to appear on each and every date before the trial Court. The case is to be pursued by Public

Prosecutor. The presence of the petitioner is required only on one date

when her statement is to be recorded. If the case is transferred to District Amritsar, then all the accused have to visit Amritsar on each and every date. All the official witnesses have to go to Amritsar for deposing in the Court and lot of inconvenience would be caused to the witnesses also. The mere fact that this FIR has arisen from matrimonial dispute, is no ground for transferring the case from Jalandhar to Amritsar Sessions Division.

As already discussed, no prejudice is going to be caused nor any inconvenience is going to be caused if the case is not transferred because the petitioner is to appear on one date only as a witness. Even if the petitioner wants to pursue the case also, she can engage a counsel at Jalandhar to assist the Public Prosecutor.

In view of the above discussion, I do not find any ground to transfer the case from Jalandhar to Amritsar Sessions Division.

Therefore, finding no merit in the present petition, the same is dismissed.

July 25, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No