

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

256

CRM-M-38318-2017

Date of Decision: 21.11.2017.

Sonia and others

....Petitioners.

Versus

Abdul Rahim @ Sonu

....Respondent.

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. C.R. Rana, Advocate for the petitioner.
None for the respondent.

Ramendra Jain, J.(Oral)

The instant petition has been filed under Section 407 read with Section 482 of the Code of Criminal Procedure for transfer of Criminal Complaint No.34 dated 12.05.2015 under Sections 452, 427, 323, 379, 294, 500, 506, 364, 148 and 149 of the Indian Penal Code (for short, 'IPC'), titled as “Abdul Rahim versus Sonia” from the Court of Judicial Magistrate Ist Class, Fatehgarh Sahib to the competent Court of jurisdiction at Ludhiana, where two more criminal cases filed by petitioner No.1 against her husband (respondent), are pending trial, i.e. one under Protection of Women from Domestic Violence Act, 2005 (for short, 'the Act') and another under Section 498-A IPC.

Learned counsel for the petitioner inter-alia contends that respondent is husband of petitioner No.1 and remaining petitioners are her relatives. The marriage between petitioner No.1 and the respondent had solemnized on 06.07.2009 at village Seelon Kalan, District Ludhiana, according to their customs prevailing in their community. Their marriage went into rough rather due to their temperamental differences. Finally, in an application under Section 12 read with Sections 17, 18, 19 and 21 of the Act

the respondent was directed to pay Rs.1500/- per month as interim maintenance allowance to petitioner No.1, by learned Judicial Magistrate Ist Class, Ludhiana, vide order dated 12.08.2013 (Annexure-P2), which the respondent did not comply, forcing the petitioner No.1 to file an execution petition, which is still pending adjudication. Petitioner No.1 has also instituted a criminal complaint against the respondent under Sections 406, 498-A, 467, 468, 471 and 120-B IPC, which is pending adjudication before Judicial Magistrate Ist Class, Ludhiana. As a counter blast to the said two complaints of petitioner No.1, the respondent, who is practising Advocate, has instituted a false complaint (Annexure-P7 on 12.05.2015 alleging the incident to be of 16.09.2013 after a delay of 01 year and 08 months, to harass petitioner No.1 and her family members.

Considering over all facts and circumstances, the complaint of the respondent (Annexure-P7) pending in the Court of Judicial Magistrate Ist Class, Fatehgarh Sahib is withdrawn from the said Court, and is transferred to the Court of competent jurisdiction at Ludhiana, keeping in view the fact that the respondent is facing two more complaints filed by his wife-petitioner No.1 against him at Ludhiana. The file shall be sent by the trial Court to the Chief Judicial Magistrate, Ludhiana, within one month from the date of receipt of copy of this order, who will either keep the complaint himself/ herself or entrust the same to any other Court of competent jurisdiction at Ludhiana.

With the above direction, petition stands disposed of.

21.11.2017

jitender sharma

(RAMENDRA JAIN)
JUDGE

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No

CRM-M No.38318 of 2015

It has been brought to my notice that inadvertently, on the top of 1st page of the order dated 21.11.2017 passed in CRM-M-38318 of 2015, the case number has been wrongly mentioned as “CRM-M-38318-2017” instead of “CRM-M-38318-2015”.

In the order dated 21.11.2017, on the top of 1st page, the case number be read as “CRM-M-38318-2015” instead of “CRM-M-38318-2017”.

01.12.2017

(Ramendra Jain)
Judge