

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

CRM-M-5009-2017

Date of decision: 16.02.2017

Hari Singh

.....Petitioner

Versus

Anjana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Bains, Advocate,
for the petitioner.

Ritu Bahri, J.

Petitioner seeks transfer of a complaint bearing No.272/2015, instituted on 10.12.2015, under Sections 12, 17, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005, titled as “Anjana Vs. Hari Singh & others”, pending in the Court of Sh. K.S. Maju, Judicial Magistrate Ist Class, Chandigarh, to any other Court of competent jurisdiction at Chandigarh.

Earlier, the petitioner filed a transfer application before the Session Judge, Chandigarh, which was dismissed vide order dated 13.01.2017 (Annexure P-1).

Learned counsel for the petitioner states that the petitioner is 81 years of age and is a senior citizen. During the pendency of complaint, his wife has died.

The ground taken for transfer of the complaint is that the

Presiding Officer has made certain observations favourable to the complainant. This aspect has been considered by the Hon'ble Supreme Court in Ashish Chadha Vs. Smt. Asha Kumari and another, 2012 (1) RCR (Criminal) 94, wherein it has been observed that transfer of a case would have demoralizing effect on the trial Court. Unless a very strong case based on concrete material is made out, transfer should not be ordered.

In the present petition, there is no solid ground or concrete material available on the record, on the basis of which, complaint pending in the Court of Judicial Magistrate Ist Class, Chandigarh, can be transferred to any other Court.

Resultantly, finding no merits, the present petition is dismissed.

16.02.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No