

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6385-2017

Date of decision: 21.12.2017

Krishan Lal

..... Petitioner

Versus

Satish

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. UK Agnihotri, Advocate for the petitioner.

None for the respondent.

RAMENDRA JAIN, J. (ORAL)

1. Prayer in the instant petition under Section 407 Cr.P.C. read with Section 482 Cr.P.C., is for transfer of Criminal Complaint No. 1794 of 2015 dated 27.11.2015, pending in the Court of Judicial Magistrate Ist Class, Panipat, to any other Court of competent jurisdiction in Ambala, Panchkula or Chandigarh.

2. Learned counsel for the petitioner *inter alia* contends that in a matrimonial dispute of the petitioner with his wife, the petitioner engaged Sh. Pawan Kadiyan, Advocate to pursue his case. During proceedings, the petitioner had handed over a blank cheque to Sh. Pawan Kadiyan, Advocate for compromise which was mis-utilized by him through respondent-complainant-Satish Nandal, Advocate, by filling an amount of ₹ 2,50,000/- in the same, which was dishonoured. The respondent had filed a complaint against the petitioner under Section 138 of the Negotiable Instruments Act. When the petitioner went to the Court at Panipat, on 09.11.2015, to attend proceedings in the said complaint case, he was beaten up by the respondent-

complainant, for which he made complaints to the learned Magistrate, police as well as to the Bar Council also. The petitioner has apprehension of injustice or his beating by the respondent and his colleagues, at the local level at Panipat.

3. Vide order dated 27.02.2017, notice of motion was issued in the instant petition, but despite service, none has appeared on behalf of the respondent.

4. Considering the overall facts and circumstances of the case and the fact that respondent is an practicing Advocate at Panipat and has given beatings to the petitioner on 09.11.2017, Criminal Complaint No. 1794/2015 dated 27.11.2015 (Annexure P-1) pending in the Court of Sh. Munish Nagar, Judicial Magistrate Ist Class, Panipat, is ordered to be transferred to the Court of District and Sessions Judge, Ambala, who shall assign the same to the Court of competent jurisdiction, to try and decide the same, in accordance with law.

5. In the meanwhile, proceedings before the trial Court qua the petitioner shall remain stayed.

6. The instant petition stands disposed of, accordingly.

December 21, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No