

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

CRM No. M-6514 of 2017.

Date of Decision: 27.09.2017.

Ravi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Rajesh Bansal, Advocate,
for the petitioner.

Ms. Dimple Jain, AAG Haryana.

Mr. Saurabh Dalal, Advocate,
for respondent No.2.

Mr. Vivek Khatri, Advocate,
for respondent No.3.

JITENDRA CHAUHAN.J.(ORAL)

This is a petition under Section 407 read with Section 482 Cr.P.C for transfer of (i) petition under Section 125 Cr.P.C titled as “Anupa and another vs. Ravi”; (ii) FIR No.25 dated 04.04.2016 registered under Sections 498-A and 506 IPC at Police Station Women Police Station Jhajjar; (iii) Application under Section 12 of Protection of Women from Domestic Violence Act, 2005 titled as “Anupa vs. Ravi and others”.

Learned counsel for the petitioner contends that brother of respondent No.2 is a practising Advocate at District Courts, Jhajjar and is influencing all the members of the Bar. In support of his

assertion, he has placed reliance on authority **Dera Samadh Baba Sarv**

Viapi vs. Mohinder Pal 2012(2) RCR (Civil) 407.

As per the record, the petitioner is duly represented before the trial Court. As regards to his assertion that there is a threat to life and liberty of the petitioner and his family members in case the proceedings are allowed to continue, learned counsel for respondent No.2 states that, in fact, the petitioner is aggressor and a cross FIR has been registered against him where the petitioner had to remain in custody. The petitioner was admitted to regular bail.

Hon'ble the Supreme Court in ***Krishna Veni Nagam Vs. Harish Nagam, 2017(2) R.C.R (Civil) 358***, has held as under:-

“18. We, therefore, direct that in matrimonial or custody matters or in proceedings between parties to a marriage or arising out of dispute between parties to a marriage, wherever the defendants/respondents are located outside the jurisdiction of the court, the court where proceedings are instituted, may examine whether it is in the interest of justice to incorporate any safeguards for ensuring that summoning of defendant/respondent does not result in denial of justice. Order incorporating such safeguards may be sent along with the summons. The safeguards can be:-

(i) Availability of video conference facility.

ii) Availability of legal aid service.

iii) Deposit of cost for travel, lodging and boarding in terms of Order 25 Cr.P.C.

iv) E-mail address/phone number, if any, at which litigant from outstation may

communicate.”

In view of above, this Court feels that no case for transfer is made out. However, in case any application is moved by the petitioner with regard to threat to his life and liberty to the competent Court, the same shall be addressed promptly.

The ratio of Dera Samadh Baba Sarv Viapi's case (supra) cited by the learned counsel for the petitioner is distinguishable.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

27.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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