

Criminal Misc. M- No. 8302 of 2017 (O&M)

Date of decision : March 10, 2017

Joginder Pal

.....Petitioner

Versus

Geeta Rani and another

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Ramesh Sharma, Advocate
for the petitioner.

LISA GILL, J.

This petition has been filed for transfer of petition No. 35267/2013-03.12.2011 titled as 'Geeta Rani and another versus Joginder Pal' from the Court of Judicial Magistrate First Class, Ludhiana to the Court of competent jurisdiction at Ambala.

Learned counsel for the petitioner urges that the petitioner has filed a petition for divorce at Ambala in which respondent No. 1 is regularly appearing. Furthermore, respondent No. 1 is facing trial in respect to the death of her first husband in FIR No. 370 dated 02.10.2002 under Sections 306, 506, 149 IPC at Ludhiana. Thereafter, a complaint under sections 302, 506, 120-B IPC has also been filed by respondent No. 1's first husband's father. It is submitted that respondent No. 1 is an influential lady and the petitioner is apprehensive that he shall be implicated in some false case if he faces the proceedings at Ludhiana.

I have heard learned counsel for the petitioner and have gone through file. It is not disputed that the petitioner has appeared in the

abovesaid petition under Section 125 Cr.P.C. filed by respondent No. 1. He has filed his written statement as well. There is nothing on record, which would substantiate the apprehension expressed on his behalf. No prejudice is shown to have been caused to the petitioner by the continuance of the proceedings at Ludhiana. It cannot be said that the petitioner is hindered or hampered in any way to pursue the matter at Ludhiana. Mere unsubstantiated apprehension of the petitioner that he may be harassed at the hands of respondent No. 1, his wife cannot be a ground for the transfer of the abovementioned petition from Ludhiana to Ambala. Similarly, pendency of the divorce petition filed by the petitioner at Ambala or the circumstance of respondent No. 1 facing trial in any other cases does not come to his aid.

Learned counsel for the petitioner is unable to point to any ground whatsoever which justifies the transfer of the petition under Section 125 Cr.P.C. filed by respondent No. 1, from Ludhiana to Ambala.

This petition is, accordingly, dismissed.

March 10, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No