

Crl. Misc. No.M-10067 of 2018 (O&M)

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

**Crl. Misc. No.M-10067 of 2018 (O&M)
Date of decision : 09.03.2018**

Tripta Agnihotri and others

.....Petitioner(s)

Versus

Suman Agnihotri and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Deepam Raghava, Advocate
for the petitioners.

ANITA CHAUDHRY, J.

This is a petition seeking transfer of the complaint from the family Court, Gurugram to Faridabad.

A petition under Section 125 Cr.P.C. was filed by Suman Agnihotri seeking maintenance for herself and her daughters. They are shown to be residents of Gurugram. The petition was filed against the husband Prashant Agnihotri, who lives in Faridabad. Complaint under the Domestic Violence Act had been filed by Suman impleading the minor daughters as aggrieved person. That complaint was filed against the husband, father-in-law and mother-in-law. The in-laws and one minor daughter have filed this petition seeking transfer of the cases to

Faridabad pleading that it was a case of concealment of true facts and an abuse of the process of law. The details are given in para 6. It was pleaded that the wife had earlier filed a complaint and the complaint during investigation was found to be false and to support their submission they had referred to Annexure P-6 & P-7. It was pleaded that the petition seeking maintenance was a counter blast and an afterthought to the ejectment petition filed by petitioner no.1. It was also pleaded that the complaint under the Domestic Violence Act was also an afterthought and counter blast since their daughter-in-law was facing ejectment proceedings. It was pleaded that the wife was a Teacher and had adequate income from number of sources. It was pleaded that the wife was a resident of Faridabad as the address in the Identity Card and the Passport was of Faridabad. It was pleaded that both the petitioners were senior citizens and petitioner no.3 the grand daughter was living with them and it would be difficult for them to travel to Gurugram and there will be no-one to accompany them to the Courts in Gurugram.

I have heard the counsel for the petitioner at great length.

Petitioners no.1 and 2 are not party in the petition filed under Section 125 Cr.P.C. Any objection which the husband may have, he has to raise it before the Court concerned. So far as the complaint under the Domestic Violence Act is concerned, the son of petitioners no.1 & 2 is also a party and they can raise the objections before the trial Court. The personal appearance of the parties is not required in these proceedings. At the

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appropriate stage they can make a request for recording their evidence through video conferencing. No case for transfer is made out.

The petition is dismissed.

09.03.2018

sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No