

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

Crl. Misc. M-11479 of 2018 (O&M)
Date of Decision: November 20, 2018

Sunita

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Sangwan, Advocate
for the petitioner.

Mr. P.P. Chahar, DAG Haryana.

Mr. Vikram Lakhan, Advocate
for respondents No.2 to 5.

JAISHREE THAKUR, J. (Oral)

In this petition, the petitioner herein is seeking transfer of criminal case bearing FIR No.99 dated 05.08.2017 registered at Police Station Behal under Sections 147, 149, 323, 365, 506, 342, 498-A, 354 of Indian Penal Code, pending before learned SDJM Loharu, District Bhiwani to SDJM Charkhi Dadri, District Charkhi Dadri, Haryana.

In brief, a marriage was solemnized between the petitioner and Narinder on 22.02.2015 as per Hindu rites and ceremonies, which did not survive the test of time and resulted in registration of the aforesaid FIR.

As per the petitioner-complainant, she is attending her case on each and every date of hearing and on 07.02.2018, when the petitioner along with her father was going to attend the court, she was threatened by the accused party to face dire consequences, if petitioner did not withdraw the case. She moved a compliant to the police, but no action was taken. It is the contention of the petitioner that in case, the aforesaid case is not transferred to Charkhi Dadri, which is her parental District, she would suffer irreparable loss and injury and would not be able to get justice.

Notice of motion was issued in the matter and pursuant thereto, a reply was filed by the respondent-State, in which it is submitted that the allegations levelled by the petitioner were duly enquired, but the same were found to be false. However, proper security shall provided to the petitioner in case, need so arises.

I have heard learned counsel for the parties, apart from perusing the pleadings of the case and the reply filed.

In her petition, the petitioner herein has referred to an incident of 07.02.2018 with the allegations that she was threatened by the accused party to face the dire consequences, if she did not withdraw the case and due to the threat of the petitioner, she is not able to pursue her case properly. However, the said allegations were found to be false during the course of enquiry by the police. Under these circumstances, no ground is made out to transfer the criminal case, at the choice of the petitioner.

In view of the above, the petition in hand is hereby

dismissed, leaving it open to the petitioner to approach the trial court or the concerned police station, in case, the petitioner come across any threat.

November 20, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No