

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

Crl. Misc. M 22591 of 2016 (O&M)

Date of decision: 19.1.2018

Shipra

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Jagdish Manchanda, Advocate,
for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

Mr. Vishal Garg Narwana, Advocate,
for respondent No.2.

Mr. Aman Mittal, Advocate,
for respondents No.3 and 4.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 407 of the Code of Criminal Procedure (for short '**the Code**') seeking for transfer of case FIR No. 95 dated 15.9.2015 under Sections 498-A, 406 and 506 IPC, registered at Police Station Women Cell, Patiala, District Patiala, to the competent court of jurisdiction of Judicial Magistrate Ist Class at Chandigarh.

In brief, the facts are that the present petitioner solemnized marriage with respondent No. 2. However, on account of matrimonial dispute, the petitioner herein got FIR No. 95 dated 15.9.2015 registered under Sections 498-A, 406 and 506 IPC, in District Patiala, against her husband—Piyush Singla son of Vijay Singla, his elder brother Sandeep

Singla and wife of Sandeep Singla—Jyoti Singla. Specific allegations of demand of dowry and cruelty had been made in the said FIR and the respondents were summoned to face trial under the said FIR. The petitioner relocated to Chandigarh and filed a petition under Section 125 of the Code for grant of maintenance as well as the Domestic Violence Act in which notices have been issued. Thereafter, instant petition has been filed seeking transfer of the proceedings from Patiala to Chandigarh, by contending that the petitioner and her family are facing threats at the hands of her husband and family members as they are influential persons working in the Punjab government. It is contended that the husband of the petitioner is working as Excise and Taxation Inspector at Patiala and, therefore, he wields sufficient influence on the local administration.

The petition has been contested by the respondents urging that there is no ground to transfer the proceedings arising out of the aforesaid FIR. All the investigation has been done at Patiala itself and the distance from Patiala to Chandigarh is not vast. It is further argued that the respondents do not have any influence in the local administration and rather the petitioner and her family members have political links in Chandigarh.

I have heard learned counsel for the parties and have also perused the record of the case with their assistance.

Admittedly, the husband of the petitioner is working in the Punjab government as Excise and Taxation Inspector and would be in a position to influence the proceedings. Two petitions have already been filed by the petitioner in Chandigarh i.e. one under Section 125 of the Code and

another under the provisions of the Domestic Violence Act. Since two proceedings are already pending in Chandigarh, therefore, keeping in view the convenience of the parties, it would be in the interest of justice that all the cases are tried and disposed of at one place. This will also help in avoiding conflict in view.

At this stage, learned counsel for the respondents 3 and 4 submits that great hardship would be caused to respondent No.3 i.e. wife of the elder brother of respondent No.2 in case she is to appear on each and every date of the proceedings in Chandigarh. It is also argued that there is no specific allegations against her and, therefore, she may be exempted from personal appearance.

For the reasons stated above, the present petition is allowed. The proceedings pending in FIR No. 95 dated 15.9.2015 under Sections 498-A, 406 and 506 IPC, registered at Police Station Women Cell, Patiala, District Patiala, are transferred to the competent court of jurisdiction at Chandigarh. Personal appearance of respondent No.3 is exempted. However, she would be present in the trial court as and when she is specifically called. Let the case file be sent forthwith to the District Courts, Chandigarh, with a direction to the District Judge, to list the case in an appropriate Court.

The parties are directed to appear before the District Judge on 7.3.2018.

19.1.2018
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No