

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

Crl. Misc. M-45831 of 2018 (O&M)
Date of Decision: October 16, 2018

Parvin Kumar Gupta and others

...Petitioners

Versus

Leena Verma and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gaurav Arora, Advocate
for the petitioners.

JAISHREE THAKUR, J. (Oral)

1. In this petition filed under Section 407 of Code of Criminal Procedure, the petitioners herein are seeking transfer of the petition filed by the respondent under Section 12 read with Section 18, 19, 20(d), 21, 22, 23 of the Protection of Women from Domestic Violence Act ('DV Act' in short), bearing COMA No.17/2018 dated 23.5.2018 (Leena Verma vs. Gaurav Gupta and others) pending in the court of Sub Divisional Judicial Magistrate, Amloh, District Fatehgarh Sahib to any other court in District Fatehgarh Sahib or District Ludhiana qua them.

2. In short, a marriage of Gaurav Gupta (son of petitioner No.1) was solemnized with the respondent on 22.02.2016 according to Hindu rites and ceremonies, however, on account of differences, the said marriage could not survive the test of time, which resulted in filing a petition under the DV

Act by the respondent at Amloh.

3. Learned counsel for the petitioners herein contends that the petition under the DV Act has been filed by the respondent only to harass the petitioners. It is argued that the petitioners have constant danger and apprehension that they can be attacked by the respondent and her family members, while they attend the date of hearing in the said case at Amloh. It is also submitted that the petitioners are also receiving threats from the side of the respondent to kill them, when they attend the proceedings in the said case. It is also contended that life and liberty of the petitioners is at stake at the hands of respondent and her family members and if these proceedings are not transferred, then the respondent and her family members can cause harm to the petitioners at any time.

4. I have heard learned counsel for the petitioners, apart from perusing the pleadings of the case.

5. A perusal of the DV Act petition (Annexure P-3) filed by the respondent against her husband and the present petitioners shows that in the said petition, the respondent has claimed several reliefs against them, apart from ad-interim maintenance, being a victim of domestic violence. The petitioners herein are seeking transfer of the said petition filed under the DV Act *qua* them, alleging that they are apprehending danger that they can be attacked by the respondent and her family members, while they will go to attend the proceedings in the said case.

6. First of all, a petition filed by the respondent-wife under the DV Act cannot be transferred only *qua* the petitioners, in which her husband is also a party. Secondly, the reason put forth by the petitioners that they

are apprehending danger at the hands of the respondent and her family members, is also not a ground to transfer the said case, other than the allegations that there is a threat, nothing is available with the court to justify the transfer. Even if the petitioners are receiving threats from the respondent and her family members, they have other remedies available to them, however, merely on this ground a case cannot be transferred to the place of their choice. This court finds no merit in the arguments so advanced by learned counsel for the petitioners.

7. In view of the above, the petition in hand is hereby dismissed.

October 16, 2018

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No