

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

CRM-M-5738 of 2019.

Decided on:- February 07, 2019.

Nikhil and others

.....Petitioners.

Versus

The State of Haryana and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Dhruv Gupta, Advocate
 for the petitioners.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 407 read with Section 482 Cr.P.C. is for transfer of criminal case No.CHI 203 of 2017 titled as ***State of Haryana Versus*** Nikhil (Annexure P-1) in FIR No.116 dated 03.03.2017 under Sections 323, 406, 498-A and 377 read with Section 34 IPC registered at Police Station Meham, District Rohtak, pending in the court of learned Sub-Divisional Judicial Magistrate, Meham to the court of competent jurisdiction in District Panchkula or Ambala.

Learned counsel for the petitioners states that a false FIR was got registered against the petitioners at Police Station Meham, District Rohtak by respondent No.2-complainant with an oblique motive, so that the petitioners can be harassed in the case. The distance between Panchkula and Meham is

about 240 KMs. and it is difficult for the petitioners to travel all the way to Meham on each and every date of hearing.

He has further contended that the FIR in question has been registered by the police under the influence of mother of respondent No.2, who is working with Crime Branch, Panchkula. He has prayed that the petitioners be exempted from their personal appearance before the trial Court.

Having heard learned counsel for the petitioners, this Court finds that investigation in the aforementioned FIR is complete and the Challan has already been presented in Court. Therefore, the allegation of the petitioners that the FIR is false cannot be accepted unless the same is quashed in appropriate proceedings. Moreover, the petitioners have shown the residential address of respondent No.2 in the Memo of Parties at village Bahalba, Tehsil Meham, District Rohtak. Therefore, the contention of learned counsel for the petitioners that the FIR has been registered with an oblique motive can also not be accepted.

Similarly, contention of learned counsel for the petitioners that the mother of respondent No.2 is working with Crime Branch, Panchkula is also of no relevance, as had she been an influential person, she would have got registered the FIR at Panchkula itself, where she is posted instead of Meham.

Therefore, this Court does not find sufficient ground to transfer the case pending before the trial Court at Meham. Accordingly, the present petition, being devoid of any merit, is dismissed.

However, so far as the prayer of the petitioners for exemption from personal appearance is concerned, they are at liberty to move an appropriate application before the trial Court for the relief of exemption, which shall be dealt with in accordance with law.

February 07, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No