

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

CRM-M No.14370 of 2017
Date of decision: 2nd September, 2019

Ajay Kumar

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Amrik Narwal, Dy. Advocate General, Haryana
for respondent No.1/State.

None for respondent No.2.

FATEH DEEP SINGH, J.

Accused petitioner husband Ajay Kumar has come up with this petition under Section 407 Cr.P.C. seeking transfer of the case titled 'State vs. Ajay Kumar etc.' got registered by way of FIR No.64 dated 18.3.2016 under Sections 498-A, 506, 406, 504, 323 IPC pertaining to Police Station City Dabwali. The primary grounds that have come about are that father of the complainant earlier worked as a Nazir in the Courts at Dabwali and that under the tutelage of her father, complainant has filed false cases including proceedings under Section 125 Cr.P.C. and if the proceedings are not transferred, there is every likelihood that the petitioner may not be able to get justice.

The respondent in her reply has though accepted the fact of litigations between the parties but has denied that the plea of the

petitioner was adequately looked into and did not find favour with the lower Court and it is a pure concoction as both the parties are residents of Sirsa and the cases are pending in a Court at Dabwali and therefore, the question of influence of father of the complainant being ex-employee of the judicial courts does not materialize.

Upon hearing Mr. Vikas Bishnoi, Advocate for the petitioner; Mr. Amrik Narwal, Dy. Advocate General, Haryana representing respondent No.1/State and on perusal of the records. As is the own case of the petitioner accused, father of Anita Rani complainant, happens to be the ex-employee of the judicial courts and it is not the case that he is presently working and is posted in the courts at Dabwali. Thus, the claim is not only self-imaginary but is preposterous as well. Both the parties admittedly are residing in Sirsa and thus it is convenient for the two sides to seek justice from the courts at Dabwali. Merely because such a plea has come forth and which is not materially supported by any means of likelihood wielding influence by the father of the complainant, this Court needs to be slow in accepting such a façade for transfer of cases, which is purely to wreck personal vengeance and not for any legal necessity. Finding no merit, the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

September 2, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No