

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

CRM-M-10091 of 2019.

Decided on:- March 05, 2019.

Harnish Sharma.

.....Petitioner.

Versus

Pallavi Sharma.

.....Respondent.

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

Present:- Mr. Amandeep Singh Jawandha, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner-husband has filed present petition under Section 407 Cr.P.C. for transfer of application No.COMA 9526/2016 dated 13.09.2016 under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005 titled as “*Pallavi Sharma Versus Harnish Sharma and others*” pending before learned Judicial Magistrate 1st Class, Ludhiana to the family Court, Ludhiana i.e. the Court of learned Additional Sessions Judge, Ludhiana, where the proceedings under Section 125 Cr.P.C. filed by the respondent-wife are pending for adjudication.

Learned counsel for the petitioner states that if both the cases are not transferred to one Court, there is a possibility of contradictory judgments.

I have heard learned counsel for the petitioner.

The application under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005 is pending before learned Judicial

Magistrate 1st Class, Ludhiana, whereas the petition under Section 125 Cr.PC is pending before the family Court which is presided over by learned Additional Sessions Judge, Ludhiana. Thus, the forums are different. Even otherwise, against the decision of application under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005, there is different remedy available to the petitioner. Therefore, the apprehension of the petitioner that there can be a contradictory judgment is totally misconceived.

In view of the above, this Court finds that no ground for transfer of the application under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005 is made out and the present petition is, accordingly, dismissed.

March 05, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No