

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-20389 of 2018
Date of Decision: 24 July, 2019

Amritpal Sharma

.....Petitioner

Versus

State of U.T. Chandigarh and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Kulwant Singh, Advocate
for the petitioner.

Mr. Rajiv Sharma, APP, U.T., Chandigarh.

Mr. Rahul Bhargava, Advocate
for the respondents No. 2 and 3.

FATEH DEEP SINGH, J. (Oral)

Petitioner/wife Amritpal Sharma has invoked the jurisdiction of this Court with the aid of Section 407 Cr.P.C. seeking transfer of criminal trial of case titled as **State Vs. Bhuminder Singh and another** (arising out of FIR No. 100 dated 15.05.2016 under Sections 323, 341, 506, 354, 406, 498-A and 34 IPC) which is pending in the Court of learned Judicial Magistrate 1st Class, Chandigarh to competent Court at Jagroan, District Ludhiana.

The primary grounds that have come about are that the petitioner claims that she is residing with her parents in village

Dadahur, District Ludhiana and had earlier instituted a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter to be referred as 'the Act') which is pending before the Court of learned Judicial Magistrate 1st Class, Jagroan and since the state case is pending at District Court at Chandigarh, it is difficult for her to manage both the cases and, hence, the prayer for transfer.

The respondent did not file reply and had tried to base their submissions on arguments.

On hearing learned counsel for the petitioner Mr. Kulwant Singh and Mr. Rajiv Sharma, APP for U.T. Chandigarh assisted by Mr. Rahul Bhargava, Advocate for the respondents No. 2 and 3 and on perusal of the records, the only and the only ground that has come about by the petitioner/wife is that one case is pending at District Court, Chandigarh and the other case also got instituted by her in Jagroan and the case pending in the Chandigarh be transferred to Jagroan. It is the petitioner/wife, who had chosen to lodge an FIR in Chandigarh as well as complaint under Section 12 of the Act at Jagroan. Now, at this belated stage, when admittedly as has been argued before this Court, both the matters are at trial, it would not be appropriate for this Court to order transfer of the matter from Chandigarh to Jagroan.

More so, a party cannot be allowed to choose a particular Forum and, thereafter, renounced it and choose another on its whims

and fancies. The counsel for the petitioner could not convince this Court or produce any material prejudicial that is likely to be caused to the petitioner by the proceedings at two different places rather what one could perceive that it is a device sought to be crafted by the wife to teach the petitioner/husband a lesson so that he is made to transact at two different places when as is there in the head note of the complaint so moved by the petitioner/petitioner that she has shown her address to be of Chandigarh and, thus, the very petition is itself malafide and as such, the same is dismissed.

July 24, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No