

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-46019-2017

Sukhwinder Kaur

.....Petitioner

Versus

Gurpreet Singh and others

.....Respondents

106(2)

CRM-M-46020-2017

Sukhwinder Kaur

.....Petitioner

Versus

Gurpreet Singh and others

.....Respondents

Date of Decision:09.04.2019

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

Present: Mr. Amit Kumar Walia, Advocate,
for the petitioner(s).

Mr. Manu R. Bhardwaj, Advocate,
for respondent Nos.2 and 3.

HARI PAL VERMA, J.(Oral)

This order shall dispose of above mentioned two petitions as both the petitions are between the same parties, whereas CRM-M-46019-2017, titled as **Sukhwinder Kaur Versus Gurpreet Singh and others** has been filed by the petitioner under Section 407 IPC read with Section 482 Cr.P.C. seeking transfer of criminal complaint/protest petition bearing No.CRM/61/2017 arising out from FIR No.48 dated 07.07.2015 under Sections 498-A, 323, 34 IPC, Police Station Bhadson, Patiala, as the police

has filed the cancellation report, therefore, the petitioner has filed the

protest petition. Similarly, CRM-M-46020-2017, titled as **Sukhwinder Kaur Versus Gurpreet Singh and others** has been filed seeking transfer of complaint bearing No.COMA/57/2017 dated 02.02.2017 under Section 12 of the Protection of Women from Domestic Violence Act, 2005, which is pending before learned Judicial Magistrate 1st Class, Nabha, District Patiala.

Learned counsel for the petitioner has argued that apart from these two petitions i.e. criminal complaint/protest petition bearing No.CRM/61/2017 and the complaint bearing No.COMA/57/2017 dated 02.02.2017 pending before learned Judicial Magistrate 1st Class, Nabha, District Patiala, the petition filed by the petitioner under Section 125 Cr.P.C., is also pending before the trial Court at Dhuri. Petitioner has a small daughter of about 03 years of age and now she is residing in village Sherpur, Tehsil Dhuri, District Sangrur, whereas no prejudice should be caused to the respondents in case both the petitions are filed in District Sangrur, where the other petition under Section 125 Cr.P.C. is pending.

Learned counsel for the respondents has filed reply on behalf of respondent No.1 in the Court today, which is taken on record. He has argued that the petitioner herself has opted and filed the aforesaid petitions at Nabha. Therefore, there is no such circumstance to get the cases transferred at other places other than Nabha. He further states that the present petitions filed have filed by the petitioner so as to harass the respondents.

Heard learned counsel for the parties.

Considering the fact that the petitioner has a small child of 03 years and the other petition filed by the petitioner under Section 125 Cr.P.C. is already pending against the respondents at Dhuri and distance between

Nabha and Dhuri is about 30 kms., the present petitions are allowed. The proceedings pending before the Nabha Court are hereby ordered to be transferred to Dhuri. The transferee courts shall conduct the proceedings from the stages these are transferred to the court.

Accordingly, the learned District Judge, Patiala, is directed to send complete record of the abovesaid petitions filed by the petitioner to the Sub-Divisional Judicial Magistrate, Dhuri, at an early date preferably within one month from the date of receipt of certified copy of this order.

Accordingly, the Sub-Divisional Judicial Magistrate, Dhuri, is directed either to decide the case himself or assign it to the court of competent jurisdiction, for early decision, in accordance with law.

April 09, 2019
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(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No