

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

CRM-M-25807 of 2019.

Decided on:- November 18, 2019.

Deepali.

.....Petitioner.

Versus

State of Haryana and others

.....Respondents.

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

Present:- Mr. Nishant Raj Ghangas, Advocate
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana
for respondent No.1-State.

Mr. Ankur Malik, Advocate
for respondents No.2 to 5.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 407 Cr.P.C. seeking transfer of case No.CHI/287/2018 titled as ***State Versus Gaurav etc.*** bearing FIR No.202 dated 08.04.2018 under Sections 498-A and 506 read with Section 34 IPC registered at Police Station Gohana City, District Sonipat pending in the Court of learned Judicial Magistrate 1st Class, Gohana to Sonipat.

Learned counsel for the petitioner has argued that there are number of cases pending between the parties and details of which has been given in paragraph No.6 of the present petition, which is as under:

- “(i) *Title Deepali vs Gaurav, pending before Shri Jasbir Singh Sidhu, Principal Judge, Family Court, panipat in CIS No.817/19 is fixed for 26.07.2019;*
- (ii) *Title Deepali vs Gaurav, pending before Shri Jasbir Singh Sidhu, Principal Judge, Family Court, Panipat in CIS No.696/19 is fixed for 09.07.2019;*
- (iii) *Title Deepali vs Gaurav, pending before the Court of Shri Sumit Garg, Additional Sessions Judge, Panipat in CRR No.288/18 is fixed for 12.07.2019;*
- (iv) *Title Deepali vs Gaurav, pending before the Court of Shri Sumit Garg, Additional Sessions Judge, Panipat in CRR No.274/18 is fixed for 12.07.2019.”*

He further states that earlier the FIR No.202 dated 08.04.2018 under Sections 498-A and 506 read with Section 34 IPC registered at Police Station Gohana City, when the petitioner was residing in Gohana in a rented accommodation when she was thrown out of her matrimonial home. Now, she has shifted to her parental home at Panipat. She has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 titled as “**Deepali Versus Gaurav etc.**” which is pending before learned Additional Chief Judicial Magistrate, Panipat. Therefore, the case titled as “**State Versus Gaurav etc.**” bearing FIR No.202 dated 08.04.2018 under Sections 498-A and 506 read with Section 34 IPC registered at Police Station Gohana City, needs to be transferred to Panipat.

Mr. Ankur Malik, Advocate has put in appearance and filed power of attorney on behalf of respondents No.2 to 5, which is taken on record. He submits that it is a State case and the presence of petitioner is not necessary, whereas, in case the present petition is allowed, the respondents, who have been named as accused in the case, would be required to travel all the way from Gohana to Panipat. The other cases are also similar in nature in which presence of the petitioner is not required.

He has further prayed that if the case is transferred to Panipat, personal appearance of respondents No.2 to 5 be exempted as they would be required to travel all the way from Gohana to Panipat and, in fact, respondent No.2 Gaurav, who is husband of the petitioner, is a petty shopkeeper.

I have heard learned counsel for the parties.

Considering the fact that the other four cases, as mentioned above, are pending at Panipat, the present petition is allowed and the case No.CHI/287/2018 titled as ***State Versus Gaurav etc.*** bearing FIR No.202 dated 08.04.2018 under Sections 498-A and 506 read with Section 34 IPC registered at Police Station Gohana City, District Sonipat is ordered to be transferred from the Court of learned Judicial Magistrate 1st Class, Gohana to Panipat.

The Chief Judicial Magistrate, Panipat is directed to entrust the said case to some Judicial Officer, who is otherwise handling the other cases having competent jurisdiction.

As regard the prayer of learned counsel for respondents No.2 to 5 for exemption from personal appearance is concerned, it is ordered that since

respondents No.3 to 5 are brother-in-law, mother-in-law and sister-in-law of the petitioner, they shall be at liberty to move such application before the trial Court. The trial Court shall considerer the said application and shall not insist their presence unless it is necessarily required.

November 18, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No