

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

CRM No.M-9343 of 2018 (O&M)

Date of Decision: April 29, 2019

Deepali

...Petitioner

VERSUS

Deepika

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.G.S.Sandhu, Advocate
for the petitioner.

None for the respondent

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 407 read with Section 482 Cr.P.C. for transfer of complaint titled as 'Deepika vs. Deepali' bearing No.143 of 2017 under Section 138 of the Negotiable Instruments Act, pending in the Court of learned Judicial Magistrate Ist Class, Ferozepur, to the Court of competent jurisdiction at Kharar, District Mohali.

Notice of motion was issued. Earlier, learned counsel for the respondent appeared but today, no one has put in appearance on behalf of the respondent.

Learned counsel for the petitioner argued that respondent-complainant is sister of husband of the petitioner and petitioner has matrimonial dispute. Therefore, it is argued that case be transferred from

Ferozepur to Kharar as in-laws family of the petitioner resides at Ferozepur

and petitioner's *jeth* (elder brother-in-law) is practising Advocate and his wife is Clerk in the District Court, Ferozepur.

I have heard learned counsel for the petitioner and have gone through the record.

It is settled law that criminal trial cannot be transferred in a routine manner and it should be transferred in very exceptional and extraordinary circumstances. The petitioner is residing at Kharar. If the case is transferred to Kharar, then it will cause inconvenience to the complainant, who is also a lady and residing at Ferozepur. She and other witnesses have to come to Kharar for trial. Even, respondent being complainant has to appear in the case in-person. It is also settled law that any member of the family if practising as Advocate, is no ground to transfer the case. Similarly, *jethani* being working as a Clerk in the District Court, in no way, has any influence over the Presiding Officer of the Court.

In view of the above discussion, no ground is made out for transferring the complaint under Section 138 of the Negotiable Instruments Act.

Therefore, finding no merit in the present petition, the same is dismissed.

April 29, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No