

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43917 of 2019 (O&M)
Date of decision : October 16, 2019

Dr. Navneet Kaur

....Petitioner

versus

State of Punjab and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Abhinav Gupta, Advocate, for the petitioner

Fateh Deep Singh, J. (Oral)

A conceited attempt through scullduggery is the hallmark of this petition for transfer under Section 482 Cr.P.C. whereby the petitioner wife Dr. Navneet Kaur has sought transfer of the investigations and its monitoring from district Mansa to that at Chandigarh. The petitioner was married to respondent no. 2-Dr. Rajneesh Sidhu and due to matrimonial disaccord the wife got registered FIR No. 65 dated 13.7.2018 under Sections 406, 498-A, 323, 324 read with Section 34 IPC, Police Station City-I, Mansa and

application under Section 125 Cr.P.C. seeking maintenance for herself and her daughter, a complaint (in fact an application) under the Domestic Violence Act, a petition under Section 6 of the Hindu Minority and Guardianship and Wards Act, 1956 all at Mansa, claiming that she has settled in Chandigarh has sought transfer of the investigations of the present case.

Mr. Abhinav Gupta, counsel for the petitioner fairly concedes at the bar that the matter is still under investigations. To the specific query of the Court as to what has necessitated institution of such a petition when the investigations are going on at its pace and the mere fact that the accused secured bail orders from a competent court is no ground to seek indulgence of the Court when admittedly as per the own stand of the petitioner reflective from Annexure P/3 that application has already been moved under Section 156(3) Cr.P.C. before the learned Chief Judicial Magistrate, Mansa and which is pending adjudication. It would be pure and pure misuse of the process by simultaneously availing of these two remedies when provisions of Section 482 Cr.P.C. are to be sparingly used to meet the ends of justice. Moreover when the petitioner could not convince this Court how there is threat perception to fair and impartial inquiry or trial at courts in Mansa de hors indulgence by

this Court to the prayer of the petitioner. Finding no merit, the present petition stands dismissed in *limine*.

October 16, 2019

(Fateh Deep Singh)
Judge

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Whether speaking/reasoned ?

Whether Reportable ?

Yes/No

Yes/No