

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

CRM-M-10024 of 2018 (O&M)
Date of Decision: January 27, 2020

Neetu

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harjinder Singh, Advocate for
Mr. A.S. Khinda, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Section 407 of the Code of Criminal Procedure for transfer of criminal case bearing FIR No.114 dated 16.06.2017, registered under Sections 454, 451, 323, 506 of Indian Penal Code at Police Station Kotwali, Patiala, District Patiala pending in the court of Judicial Magistrate Ist Class, Patiala to Kapurthala.

Counsel for the petitioner submits that the aforesaid FIR was registered at the instance of complainant-respondent No.2 Geeta Rani at Patiala on 16.06.2017. It is contended that the allegations under the FIR are patently false and in fact, the petitioner herein filed a complaint case against said Geeta Rani and her son before the Judicial Magistrate Ist Class at Kapurthala under Sections 323, 354, 452, 376, 34 of Indian Penal Code. It

is contended that she has two minor children to look after and thus, it is difficult for her to travel from Kapurthala to Patiala to face those proceedings and, therefore, prays for transfer of the said case.

There is no representation on behalf of respondent No.2.

Per contra, counsel for respondent No.1-State submits that the proceedings under the FIR have almost culminated, while stating that only official witnesses remain to be examined.

I have heard counsel for the parties and have perused the pleadings of the case.

Admittedly, the FIR case came to be registered on 16.06.2017 at Patiala, in which proceedings have almost culminated whereas, the complaint case filed by the petitioner herein at Kapurthala is subsequent to the lodging of the aforesaid FIR. There is distance of about 170 kms between the District Courts situated at Patiala and Kapurthala. The petitioner herein is facing the trial as an accused in the said FIR case. Apart from the above, the instant petition has been filed by the petitioner showing herself to be a resident of village Lasoori, Tehsil Shahkot, District Jalandhar whereas, the aforesaid complaint case was filed by her at Kapurthala showing that she was a resident of Kapurthala. Meaning thereby, at present, the petitioner herself is residing at District Jalandhar from where she is attending proceedings at District Courts Kapurthala in the complaint case filed by her. Under these circumstances, if the petitioner can attend proceedings at the District Courts at Kapurthala from District Jalandhar, she can very well attend the proceedings of the aforesaid FIR case pending at District Courts, Patiala, because the distance is much less

the same.

Keeping the aforesaid factors in mind, there is no ground made out to allowed the instant petition, which is hereby dismissed.

January 27, 2020
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No