

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

CRM-M-51788-2019
Decided on : 17.01.2020

Anju Dhawan & anr.

..... Petitioners

Versus

Saurabh Mahajan & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. B.S.Tewatia, Advocate
for the petitioners.

Mr. Pankaj Mehta, Advocate
for the respondents.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 407 Cr.PC for transfer of the complaint No.10728 of 2018 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 titled as *Anju Dhawan & anr. vs. Saurabh Mahajan & ors.* (Annexure P-1) which is pending before Judicial Magistrate, Ist Class, Hisar to the Court of Judicial Magistrate, Ist Class, Faridabad.

The marriage between the parties was solemnized at Delhi on 24.04.2012 as per Hindu rites and ceremonies. A son was born on 18.11.2014 out of the said wedlock. After the marriage, petitioner No.1 was subjected to cruelty and torture for the demand of dowry for which petitioner No.1 filed a complaint to the police and FIR No.338 dated 30.04.2013 under Section 498-A and 323 IPC was registered at Police

Station Sector 7, Faridabad against the respondents. A petition under Section 125 Cr.PC was also filed by petitioner No.1. However, with the intervention of friends and relatives, the matter was compromised between the parties and the parties started living together in the month of January, 2014. On 04.10.2016, respondents allegedly threw out petitioner from the matrimonial home after subjecting her to mental and physical assault. Petitioner No.1 filed a complaint under Section 12 of the Domestic Violence Act before learned JMIC, Hisar. FIR No.34 dated 15.04.2019 under Section 498-A, 406, 323 and 506 IPC was also registered at Women Police Station Ballabgarh, Faridabad against the respondents. Petitioner No.1 also filed a petition under Section 125 Cr.PC for claiming maintenance from respondent No.1. Respondent No.1, on the other hand, filed a divorce petition under Section 13 of Hindu Marriage Act before the Family Court, Hisar. The petitioner-wife then approached this Court vide transfer petition No.923 of 2017 for transfer of the said petition to Faridabad. This Court vide order dated 11.02.2019 allowed the transfer petition and issued directions to the parties to appear before the concerned Court at Faridabad on 12.03.2019.

After hearing the learned counsel for the parties and keeping in view the averments made in the petition, I find that the grounds set out in the petition are sufficient to allow the petition.

In view of the above, the present petition is allowed. The application under Section 12 of the Domestic Violence Act, 2005 titled as *Anju Dhawan & anr. vs. Saurabh Mahajan & ors.* pending in the court of JMIC, Hisar is ordered to be withdrawn from that Court and transferred to the court of JMIC, Faridabad for disposal in accordance with law from the stage of withdrawal. Parties through their counsel are directed to appear there on 04.02.2020.

A copy of the order be sent to the Courts concerned, for information and necessary compliance.

(MANJARI NEHRU KAUL)
JUDGE

17.01.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No