

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

117

CRM-M-48517 of 2021  
Date of decision:13.01.2022

Kuldeep Kaur @ Santosh Kumari

... Petitioner

Vs.

Dilpreet Kaur

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Mohd. Yousaf, Advocate  
for the petitioner.

**SUVIR SEHGAL J.**

Heard through video conferencing.

Instant petition has been filed under Section 407 of the Code of the Criminal Procedure, 1973 seeking transfer of complaint bearing No. COMA/02/2018 dated 10.01.2018 titled as “Dilpreet Kaur Vs. Yashpaul Singh and others”, (Annexure P-1) pending in the Court of SDJM, Dhuri, filed by the respondent under Sections 12, 17, 18, 19, 20, 22, 23 of the Protection of Women from Domestic Violence Act, 2005 (for short “DV Act”) from Dhuri to any Court of competent jurisdiction at Patiala, where the petitioner is residing.

Counsel for the petitioner has been heard.

Petitioner is the mother-in-law of the complainant-respondent, who has instituted the complaint (Annexure P-1) against her husband, his siblings besides the petitioner, levelling allegations of ill-treatment, harassment, demand and misappropriation of dowry items and attempt to

kill her. In the complaint (Annexure P-1) which has been instituted in January, 2018, the complainant-respondent has sought a protection and residence order, besides order restraining the accused from committing acts of domestic violence and has sought maintenance from her husband. It has been submitted by the complainant that she is residing with a relative within the territorial jurisdiction of Dhuri Court. The place of residence of the complainant-respondent at Dhuri has been admitted by the petitioner in the present petition so the petitioner cannot dispute the jurisdiction of the Court at Dhuri. The mere fact that the complainant-respondent had approached this Court by filing CRM-M-46237 of 2019 (Annexure P-3) seeking transfer, which she later withdrew on 17.12.2020, will not give the petitioner a cause to invoke Section 407 Cr.P.C. The distance between Dhuri and Patiala, where the transfer is sought, is mere 60 kilometers, which does not justify the prayer being made.

Still further, it deserves to be noticed that son of the petitioner, who is the husband of the complainant-respondent was working as Head Constable in CID, has been promoted as ASI, is alleged to have threatened the complainant-respondent with his service revolver. He is a resident of Patiala and in a position to intimidate the complaint or cause her physical harm in case the proceedings are transferred to Patiala. The power to transfer a case under Section 407 Cr.P.C, cannot be exercised in a casual manner merely on asking or because it is convenient to the accused.

Petition being bereft of merit, is ordered to be dismissed.

(SUVIR SEHGAL)  
JUDGE

January 13, 2022

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Whether Speaking/Reasoned

Yes

Whether Reportable

Yes