

In the High Court of Punjab and Haryana at Chandigarh

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2023 : PHHC : 074236

CRM-M-32347 of 2021

Date of Decision: 22.05.2023

Bhanu Sharma

---Petitioner

versus

Mohnish Saini and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.Ranjan Lakhanpal, Advocate
Mr. Shubhkarman Singh, Advocate
for the petitioner

Mr. Atul Kaushik, Advocate
for the respondent

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner though instant petition under Section 407 Cr.P.C. is seeking transfer of trial arising out of FIR No. 0402 dated 28.11.2017, under Sections 406, 498-A of IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali pending before the Court of JMIC, Dera Bassi to any Court of competent jurisdiction at Chandigarh.

2. Mr. Atul Kaushik, Advocate, filed vakalatnama on behalf of the respondent. The same is taken on record. Registry is directed to tag the same at an appropriate place.

3. Learned counsel for the parties are *ad idem* that marriage between the parties stands dissolved in terms of Section 13 of Hindu

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Marriage Act. The decree of divorce has been passed by Additional District Judge, Chandigarh. They are in-tandem that trial be transferred from Dera Bassi to Chandigarh. All the witnesses are residing in or around Chandigarh.

3. In view of statement of both sides, the petition is allowed with following directions :-

(i) Trial arising out of FIR No. 0402 dated 28.11.2017, under Sections 406, 498-A of IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali which is pending in the Court of JMIC, Dera Bassi is ordered to be transferred to the competent Court of jurisdiction at Chandigarh.

(ii) The JMIC, Mohali is directed to transfer record pertaining to the aforesaid case to District and Sessions Judge, Chandigarh.

(iii) The District and Sessions Judge, Chandigarh will assign the said case to the competent Court of jurisdiction.

The parties are directed to appear before the District and Sessions Judge, Chandigarh, on 02.06.2023 at the first instance and thereafter as directed by said Court.

(JAGMOHAN BANSAL)
JUDGE

22.05.2023

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Whether speaking/reasoned : Yes

Whether reportable : Yes/No