

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-46444-2023 (O&M)

Date of decision: 15.09.2023

Kirandeep Kaur

...Petitioner(s)

Vs.

State of Punjab & Another

...Respondent(s)

CORAM:

HON'BLE MS. JUSTICE NIDHI GUPTA

Present: -

Mr. Vishesh Dogra, Advocate
for the petitioner.

NIDHI GUPTA, J.

Present petition under Section 407 Cr.P.C. is filed seeking transfer of trial of the case FIR No.203 dated 09.09.2022 registered under Sections 498-A, 323, 506 and 34 IPC at Police Station City Tarn Taran, from the Court of learned Chief Judicial Magistrate, Tarn Taran to a Court of competent jurisdiction at Kapurthala.

2. Learned counsel for the petitioner-wife inter alia submits that the petitioner was married to respondent No.2 on 17.02.2019. One son was born out of their wedlock who is currently in the custody of the petitioner. It is submitted that on 20.08.2022 at about 9 pm, respondent No.2 abused the petitioner under the influence of liquor and started giving merciless beatings to her and told her to bring Rs.15 lakh from her parents otherwise he would kick her out of his house. At that time, petitioner and her son were living with respondent No.2 at a rented accommodation at Muradpur, District Tarn Taran. It is submitted that due to such like ill-treatment meted out to the petitioner by respondent No.2 and

his family members, the petitioner was constrained to register the present FIR at Tarn Taran.

3. Learned counsel submits that trial of the case may be transferred to a Court of competent jurisdiction at Kapurthala as the petitioner has a minor son to look after. It is submitted that father of the petitioner is a senior citizen who is suffering from various health ailments and therefore, he is unable to travel with the petitioner. It is submitted that accordingly, it is very difficult for the petitioner to travel from Kapurthala to Tarn Taran.

4. I have heard learned counsel for the petitioner.

5. Perusal of record reveals that distance between Kapurthala and Tarn Taran is only about 60 kms. Moreover, it has been admitted by the petitioner herself in para 7 of the present petition that at the time of alleged incident, the petitioner and respondent No.2 were living in Tarn Taran and therefore, FIR was registered at Police Station City Tarn Taran and hence, Court of learned Chief Judicial Magistrate, Tarn Taran is the Court of competent jurisdiction. In view of the above facts, I find no ground is made out for transfer of trial in present FIR from the Court of learned Chief Judicial Magistrate, Tarn Taran to a Court of competent jurisdiction at Kapurthala. Present petition accordingly stands **dismissed**.

6. Pending application(s) if any also stand(s) disposed of.

15.09.2023
Sunena

(Nidhi Gupta)
Judge

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