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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13214-2024 (O&M)

Date of Decision: 14.03.2024

HARISH AND OTHERS

.....PETITIONERS

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Diksha, Advocate,
for the petitioners.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

HARPREET KAUR JEEWAN J. (ORAL)

1. Petition under Section 407 read with Section 482 of the Criminal Procedure Code, 1973 (for short ‘*the Code*’) has been filed by the petitioners with a prayer to transfer of the case bearing FIR No. 566, dated 17.11.2021, under Sections 323, 354-B, 376, 406, 498-A and 506 of the IPC, registered at Police Station Thanesar, District Kurukshetra, and Case No. CHI//2863/2022, titled State of Haryana vs. Harish and others pending in the Court of learned Judicial Magistrate Ist Class, Kurukshetra, to the competent Court having jurisdiction at District Karnal.
2. Learned counsel for the petitioners *inter alia* contends that respondent No. 2 who is the complainant in the FIR is residing in Karnal. She has even filed cases against petitioner No. 1 (husband) and others, under Section 125 of the Code and under Section 12 of the Protection of Women From Domestic Violence Act, 2005 (Annexures P-3 and P-4, respectively) at Karnal.

3. It is further contended that another FIR No. 0410, dated 10.10.2022, under Sections 323, 238, 354, 376, 377 and 498-A of the IPC read with Section 34 thereof, registered at Police Station Ram Nagar, District Karnal, is also pending trial before the concerned Court in District Karnal. In order to have all the cases in the same district, it would be convenient for the petitioners, as well as for respondent No. 2 to pursue their litigation.

4. In view of the facts of the present case, this Court feels that issuance of notice to the respondents would delay the proceedings.

5. Keeping in view the facts and circumstances of the present case and in view of the law laid down by Hon'ble the Supreme Court in **Sumita Singh** Vs. **Kumar Sanjay and another** AIR 2002 SC 396, **Rajani Kishor Pardeshi** Vs. **Kishor Babulal Pardeshi** (2005) 12 SCC 237, and **N.C.V. Aishwarya** Vs. **A.S.Saravana Karthik Sha** 2022 SCC OnLine SC 1199, the present petition is allowed and FIR No. 566, dated 17.11.2021, under Sections 323, 354-B, 376, 406, 498-A and 506 of the IPC, registered at Police Station Thanesar, District Kurukshetra and Case No. CHI//2863/2022, titled **State of Haryana** vs. **Harish and others** pending in the Court of learned Judicial Magistrate Ist Class, Kurukshetra, is ordered to be withdrawn from the Court of JMIC, Kurukshetra and transferred to the competent Court having jurisdiction at District Karnal. The respondents may approach this Court within a period of three months from today for revival of the petition, if any facts have been mislead or concealed by the petitioner.

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

March 14, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No