

2024:PHHC:096109



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

278

CRM-M-18678-2024 (O&M)
Date of decision: 30.07.2024

Parkash Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Sukhpreet Kaur, Advocate
for the petitioner. (Through VC)

Mr. A. S. Samra, AAG, Punjab.

Mr. G. S. Salana, Advocate
for respondent Nos. 2 and 3.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 407 Cr.P.C. seeking transfer of criminal case arising out of FIR No. 159 dated 10.12.2020, registered under Sections 420, 406, 120-B of IPC at Police Station Amloh, District Fatehgarh Sahib, which is pending in the Court of learned Judicial Magistrate First Class, Amloh, to a competent Court of jurisdiction at Bholath.

2. The brief facts relevant for the purpose of disposal of this petition are that the aforesaid FIR was registered at the instance of the petitioner against respondent Nos. 2 and 3, who are her brother and sister-in-law, respectively. After completion of necessary investigation and usual

2024:PHHC:096109



formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the trial is going on. The examination-in-chief of the petitioner/complainant has been completed and the case is now fixed for her cross-examination as well as for recording the statement of other prosecution witnesses.

3. Learned counsel for the petitioner submits that respondent No. 2 is continuously extending threats to the petitioner and is pressurizing her to withdraw the aforesaid FIR. The petitioner is apprehending threat to her life and liberty at the hands of respondent Nos. 2 and 3 in case she appears before the trial Court at Amloh. The petitioner has also filed a complaint under Section 138 of the Negotiable Instruments Act (*for short 'N.I. Act'*), which is pending before the Court at Bholath. When the said case was fixed on 21.03.2021, respondent No. 2 along with some unidentified persons extended threats to the petitioner to kill her in case she did not withdraw the criminal case. She had immediately filed an application in this regard before the Senior Superintendent of Police, Kapurthala on 22.03.2024 but no action has been taken thereon. It is also submitted that the distance between Amloh and Bholath is about 145 Kms and the petitioner is facing hardships to pursue her case at Amloh. It is, therefore, urged that the petition deserves to be allowed and the aforesaid case deserves to be transferred to a competent Court of jurisdiction at Bholath.

4. Learned State counsel, assisted by learned counsel for respondent Nos. 2 and 3, has submitted that a complaint was moved by the petitioner against his brother and sister-in-law, which was duly inquired into and thereafter, the aforementioned FIR was registered, wherein after completion

2024:PHHC:096109



of necessary investigation, challan has already been presented and the case is now fixed for prosecution evidence. He has submitted that in case the petitioner feels any threat to her life and liberty, she may be provided adequate police security when she is required to appear before the trial Court.

5. Learned counsel for respondent Nos. 2 and 3, on the basis of their reply, which is on record, has submitted that they have falsely been implicated in the aforementioned FIR. They have never extended any threat to the petitioner. Rather, the matter was settled between them but the petitioner did not comply with the terms and conditions of the compromise and falsely implicated them in complaint filed by her under Section 138 of N. I. Act. While arguing that if the case is transferred to Bholath, a great hardship will be faced by them in attending the Court there, it is urged that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. On a perusal of the petition and on hearing the arguments as advanced by learned counsel for the petitioner, it is revealed that the primary grievance of the petitioner is that she is apprehending threat to her life and liberty at the hands of respondent Nos. 2 and 3, who are in fact her real brother and sister-in-law. A perusal of the reply, filed by respondent-State, shows that the challan has been presented and the case is now fixed for prosecution evidence. Even the examination-in-chief of the petitioner, who is the complainant of the FIR, has been completed and her cross-examination remains to be conducted. Hence, while finding no sufficient ground to transfer

2024:PHHC:096109



the case as sought by the petitioner, this Court deems it appropriate to issue direction to the official respondent to protect the life and liberty of the petitioner when she appears before the trial Court.

7. Accordingly, the present petition is disposed of. Respondent No. 1-State through Senior Superintendent of Police, Kapurthala is directed to provide adequate police security to the petitioner on the date when she has to appear before the trial Court for her cross-examination. The trial Court is also directed to complete the cross-examination of the petitioner expeditiously.

30.07.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No