



CRM-M-26077-2024 (O&M) -1-

118 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26077-2024 (O&M)
Date of Decision: 23.05.2024

SHAINA KAPOOR

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Varun Puri, Advocate,
for the petitioner.

HARPREET KAUR JEEWAN J. (ORAL)

1. Petition under Section 407 read with Section 482 of the Code of Criminal Procedure, 1973 (for short '*the Code*') has been filed by the petitioner with a prayer to transfer the Criminal Trial No. CHI/2462/2023, pending in the Court of learned Judicial Magistrate First Class, Amritsar, in case FIR No. 0152, dated 22.05.2021, under Sections 498-A, 324, 323, 506, 326 and 406 of the IPC read with Sections 34 and 120-B thereof, registered at Police Station Ranjit Avenue, Police Commissionerate, Amritsar, to the competent Court having jurisdiction at District Pathankot.

2. Learned counsel for the petitioner *inter alia* contends that at the time of lodging of the present FIR, the petitioner-first informant was residing in her matrimonial home at Amritsar and now she is residing in her parental home at Pathankot. The divorce petition filed by the respondent-husband under Section 13 (1) of the Hindu Marriage Act, 1955, bearing No. 191 of 2023, titled Manik Kapoor vs. Shaina Kapoor, has already been transferred by this Court, vide order dated 18.04.2023 (Annexure P-5) passed by the



CRM-M-26077-2024 (O&M) -2-

co-ordinate Bench of this Court in TA No. 469-2023, from Amritsar to Pathankot.

2.1 It is further contended that the father of the petitioner has recently expired and the death certificate, dated 12.03.2024, has been annexed as Annexure P-2 with the petition. The minor child of the petitioner is also studying at Pathankot, as per the report card (Annexure P-4).

3. Notice of motion.

4. Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State and submits that she has no objection if the present petition is allowed and the case is transferred from the Court of JMIC, Amritsar to the competent Court having jurisdiction at District Pathankot.

5. In view of the facts of the present case, this Court feels that issuance of notice to respondent No. 2 would delay the proceedings. Consequently, service of respondent No. 2 is dispensed with.

6. I have heard learned counsel for the petitioner.

7. Keeping in view the difficulty faced by the petitioner 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 Criminal Trial No. CHI/2462/2023, pending in the Court of learned Judicial Magistrate First Class, Amritsar, in case FIR No. 0152, dated 22.05.2021, under Sections 498-A, 324, 323, 506, 326 and 406 of the IPC read with Sections 34 and 120-B thereof, registered at Police Station Ranjit



Avenue, Police Commissionerate, Amritsar, is ordered to be withdrawn from the Court of learned Judicial Magistrate First Class, Amritsar and transferred to the Competent Court at Pathankot.

8. However, the respondent 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, subject to deposit of ₹30,000/- as cost of litigation.

May 23, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No