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CRM-M-41481-2024
Decided on: 27.08.2024

Sarika

...Petitioner

Versus

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kshitij Bharati, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Sr. DAG, Haryana (Through VC).

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ANOOP CHITKARA, J.

1. Seeking transfer of the case No.CHI-86-2023 titled as State vs. Tarun Kumar Arora etc., registered against her husband, from Shahbad to Derabassi (Zirakpur), complainant (petitioner herein) has come up before this Court by filing the present petition under Section 477 of BNSS.

2. I have heard counsel for the petitioner and gone through the pleadings to ascertain that whether any formal notice is required to issue to the respondents and any reply is required from them or not and its analysis would lead to the following outcome.

3. Petitioner's counsel submits that petitioner's marriage is not going well because of conduct of accused/respondent No.2-Tarun Kumar, who is a habitual alcoholic. Petitioner's other grievance is that unethical behaviour and conduct of her husband and the relationship went further down when she came to know that her husband had earlier applied for passport in 2016 where he has mentioned name of his first wife-Sonam as a nominee and after that he had also used wrong address in the passport and documents were wrongly attested by respondents No.3 & 4. Respondent No.2 had wrongly mentioned the marital status as divorced, whereas at that time marriage was in subsistence and even now the marriage is in subsistence. Based on such allegations, FIR No.805 of 2022, was registered in Police Station Shahbad,



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District Kurukshetra and is pending trial before the concerned Court in Shahbad. Now the petitioner seeks transfer of the trial to her place i.e. Derabassi (SAS Nagar Mohali), where she is currently residing. Perusal of the file shows that place of the trial is well defined under BNSS 2023 and it is not a discretion of the complainant to get a transfer simply because of her movement.

4. At this stage, petitioner's counsel submits that it would be very difficult for the petitioner to travel to Shahbad from Derabassi, to give her statement.

5. Given above, it is clarified that in case, petitioner feels uncomfortable or risky to travel to Shahbad for giving her statement, Public Prosecutor may ask for recording of statement through video conferencing or in the alternative provide her security at the time of deposition.

6. Given above, it is not a case for issuing notice and the same is disposed of with the aforesaid observation. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

27.08.2024
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Whether speaking/reasoned:	Yes
Whether reportable:	No.