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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45743-2023 (O&M)

Date of Decision: 15.03.2024

GEETA

.....PETITIONER

Vs.

SHAMSHER AND OTHERS

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Wazir Singh, 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 of Criminal Complaint Case/COMA-331-2019, titled "**Geeta and another** vs. **Shamsher Singh and others**" pending in the Court of learned Judicial Magistrate Ist Class, Jind, to the competent Court having jurisdiction at District Panipat.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is married to Satish Kumar who was serving in the Army and ultimately he met with an accident and being 100% mentally disabled. The private respondents had been harassing the petitioner and her husband and they are even grabbing the pension at such, the petitioner filed a criminal complaint under Section 12 of the Protection of Women From Domestic Violence Act, 2005 (for short '*the DV Act*') at Jind as at that time she was residing with her husband in her matrimonial home.

3. The petitioner has further tendered her affidavit Annexure A-1, wherein it is alleged that an FIR No. 127, dated 14.07.2017, under Sections 323 and 506 of the IPC, registered at Police Station Alewa, District Jind, was registered at the instance of the complainant as she suffered injuries from the hands of the private respondents. Though the complaint under Section 12 of the DV Act was filed at District Court Jind on 26.08.2019 but thereafter, the petitioner was constrained to leave her matrimonial home on 10.10.2019 and she is presently residing in Village Babail, District Panipat in her parental home.

4. He further submits that the petitioner is not even being allowed to meet her husband who is presently residing with respondents No. 2 to 4 but the husband of the petitioner is not a respondent in the complaint filed under the DV Act.

5. Notice of motion was already issued in this petition by the co-ordinate Bench of this Court, vide order dated 29.09.2023.

6. As per the office report, respondent No. 1 has died. However, notices issued to respondents No. 2 to 5 have been received back duly served but no one has put in appearance on their behalf, as such, it is presumed that they do not want to contest the present petition.

7. Keeping in view facts and circumstances of the present case and in view of the difficulty faced by the petitioner as she is now living in her parental home in Village Babail, District Panipat, as also 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 Complaint Case/COMA-331-2019, titled “Geeta and another vs. Shamsher Singh and others” pending in the Court of learned Judicial Magistrate Ist Class, Jind, is ordered to be withdrawn from JMIC, Jind and transferred to the competent Court at Panipat.

8. However, the private 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.

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

March 15, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No