

**CRM-M-5661-2024****-1-****109**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5661-2024

Date of Decision:- 02.07.2025

Kxxxx

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Arjun Sheoran, Advocate with
Mr. Tejasvi Sheokand, Advocate for the petitioner.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

Mr. Rahul Singh, Advocate for
Mr. Ankit Chahal, Advocate for respondent No. 2.

Mr. Ashish Sindher, Advocate for respondent No. 3.

AMARJOT BHATTI, J.(Oral)

1. Petitioner 'Kxxxx' has filed petition under Section 482 read with Section 407 of Code of Criminal Procedure praying for transfer of criminal case bearing No. CHI-668/2023 arising out of FIR No. 447 dated 21.09.2023 under Section 294, 323, 341, 354-D, 506, 509 read with Section 34 of IPC registered at Police Station Gohana City, Haryana from the Court of Sub Divisional Judicial Magistrate, Gohana to any other Court in Haryana or any other appropriate order or direction which the Court may deem fit in the given facts and circumstances of case.

2. Learned counsel for petitioner pointed out that respondents No. 2 and 3 are accused in aforesaid FIR No. 447 dated 21.09.2023 (Annexure P-1) (supra). They are practicing Advocates in the Courts in Gohana. Therefore, no other Advocate is willing to present the case of

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present petitioner. As per facts detailed in FIR, earlier respondent No. 2 was presenting the case of petitioner in matrimonial dispute, when he started sending friend request on Facebook and also posted obscene and offensive jokes. He also assaulted her husband and finally matter was reported to police, as a result, aforesaid FIR was registered. Since no Advocate is ready to appear on behalf of petitioner, she is facing great hardship to defend her case. Hence, the present petition.

3. Status report is filed by learned counsel representing State. It is confirmed that on completion of investigation, challan is presented against Veer Anand Mor and Sunil Poria i.e. respondents No. 2 and 3 on 03.11.2023. At present case is pending before learned Sub Divisional Judicial Magistrate, Gohana and charges are yet to be framed. At present, next date fixed in the case is 18.07.2025.

Respondents No. 2 and 3 also filed their respective replies and both counsel(s) opposed present petition taking the stand that petition is not maintainable. Material facts have been concealed. Allegations are vague. Petitioner has failed to name any Advocate in Bar Association, Gohana who has refused to defend her case. Version put forward by petitioner is highly improbable. Earlier she was represented by counsel Naveen Rathi, Advocate. Even otherwise, State is represented by a Public Prosecutor. Therefore, petitioner cannot say that there is nobody to present her case. It is submitted that petition filed by petitioner deserves dismissal.

4. I have considered the aforesaid factual position. In the trial in FIR No. 447 dated 21.09.2023 (Annexure P-1) (supra), respondents No. 2 and 3 are arrayed as accused. Admittedly, respondents No. 2 and 3 are

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practicing Advocates at Gohana, District Sonipat. Trial is pending before learned Sub Divisional Judicial Magistrate, Gohana for consideration on charge since long. Trial has not started as yet. No doubt State is represented by Public Prosecutor, but even then complainant has a right to present her own case and she can always hire private Advocate to assist Public Prosecutor. Both petitioner/complainant as well as respondents No. 2 and 3/accused have a right for fair trial. Considering the aforesaid factual position, it will be appropriate that trial is transferred from the Court of learned Sub Divisional Judicial Magistrate, Gohana to other District, keeping in mind the principle of fair trial.

5. In the light of this, petition is allowed. Aforesaid trial in FIR No. 447 dated 21.09.2023 (supra) is transferred from the Court of learned Sub Divisional Judicial Magistrate, Gohana to District Rohtak. Trial Court is directed to send complete file through proper channel to learned District and Sessions Judge, Rohtak, who will further entrust the case to a competent Court of jurisdiction at Rohtak. Parties are also directed to appear before learned District and Sessions Judge, Rohtak on 24.07.2025.

6. Copy of this order be sent to concerned trial Court for necessary compliance.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

02.07.2025

*lalit***(AMARJOT BHATTI)
JUDGE**Whether speaking/reasoned:
Whether reportable:Yes/No
Yes/No