



**104+201 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-23134-2023 (O&M)

Date of Decision: 20.08.2025

SUMAN

...Petitioner

V/S

BALJIT AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. D.S. Virk, Advocate for respondents No. 1 to 4.

Mr. Vishal Kashyap, Sr. DAG Haryana.

SHALINI SINGH NAGPAL J. (Oral)

CRM-31174-2025

In the application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is for placing on record pen drive (Anexure P-7) containing video of respondent No. 1-husband extending threats to the petitioner.

In view of the averments made in the application, same is allowed.

Aforesaid pen drive is taken on record, subject to all just exceptions.

CRM-M-23134-2023 (O&M)

The petition under Section 407 read with Section 482 Cr.P.C. has been filed for transfer of criminal case arising out of FIR No. 563 dated 26.09.2022 under Sections 323, 34, 354-B, 506 of Indian Penal Code, Police Station, Ganaur, District Sonapat, pending before Sub Divisional Judicial Magistrate, Ganaur, District Sonapat to the competent Court of jurisdiction at Sirsa.

**CRM-M-23134-2023 (O&M)****-2-**

Learned counsel for the petitioner *inter alia* argued that marriage of the petitioner and respondent No. 2 was solemnized on 10.08.2008 and out of the wedlock, 05 daughters were born. Respondents harassed and humiliated the petitioner, raised dowry demands, thrashed her for not delivering male child and finally ousted her from the matrimonial home. Petitioner got criminal case registered at Police Station, Ganaur and trial of the case was proceeding before learned Sub Divisional Judicial Magistrate, Ganaur. Respondent No. 1 was repeatedly threatening the petitioner through social media. It was further argued that petitioner was uneducated household lady and was residing with her elder sister at Sirsa. She filed a petition under Section 125 Cr.P.C. seeking maintenance, which was pending in the Court at Sirsa and a complaint under the Protection of Women from Domestic Violence Act, 2005, filed against respondents No. 1 to 4, was also pending in Family Court, Sirsa. Criminal case arising out of FIR No. 1230 dated 23.12.2022 under Sections 323, 34, 498-A, 506 of Indian Penal Code too was pending in the Court of learned Judicial Magistrate Ist Class, Sirsa. It was, thus, prayed that the case arising out of FIR No. 563 dated 26.09.2022 (Annexure P-1) under Sections 323, 34, 354-B, 506 of Indian Penal Code registered at Police Station Ganaur, District Sonapat, be also transferred to District Sirsa.

Respondents have filed reply to the petition, contesting it, by denying the averments therein.

Learned counsel for the respondents argued that the criminal case was got registered by the petitioner only to harass the respondents.

**CRM-M-23134-2023 (O&M)****-3-**

Charges were framed in the case and all official witnesses had been examined, but for the petitioner, who was bound down by the Court, but was avoiding appearance on one or the other pretext. It was submitted that respondent No. 1 never extended any threat to the petitioner, nor restrained her from joining Court proceedings and the grounds raised in the transfer petition were false and frivolous. Petitioner left the matrimonial home, leaving behind her 05 daughters and started residing with her sister. She levelled false allegations of cruelty and demand of dowry. Pendency of the application under Section 125 Cr.P.C. and the complaint under Protection of Women from Domestic Violence Act, 2005, at Sirsa was however, not disputed.

The petitioner-wife is resident of Sirsa. Three other cases between the parties i.e. (i) petition under Section 125 Cr.P.C. (ii) complaint under the Protection of Women from Domestic Violence Act, 2005, and; (iii) criminal case arising out of FIR No. 1230 dated 23.12.2022 under Sections 323, 34, 498-A, 506 of Indian Penal Code are already pending at Sirsa. Considering the economic status of the parties, convenience of the petitioner and the circumstances narrated by her, it is a fit case for transfer of the criminal case to the competent Court of jurisdiction at Sirsa. Undoubtedly, travelling to Sirsa alone to prosecute the matter, would be difficult for her. Balance of convenience, thus, lies in favour of the petitioner, who is not only embroiled in hostile litigation with respondents, but is also facing other challenges in life. Respondents are already facing litigation in the Court at Sirsa and transfer of yet another criminal case would not be prejudicial to their interest.

CRM-M-23134-2023 (O&M) -4-

In this view of the matter, but without commenting on the merits of the case, the petition is allowed. Criminal case arising out of FIR No. 563 dated 26.09.2022 (Annexure P-1) under Sections 323, 34, 354-B, 506 of Indian Penal Code registered at Police Station Ganaur, District Sonapat, is ordered to be transferred to the competent Court of jurisdiction at Sirsa. District & Sessions Judge, Sirsa, may assign the case to the competent Court of jurisdiction. District & Sessions Judge, Sonapat, is directed to transfer the entire records of the case, pertaining to the present FIR, to District & Sessions Judge, Sirsa.

Parties are directed to appear before the competent Court of jurisdiction at Sirsa, within a period of one month from today.

Pending CRM(s), if any, are also disposed of accordingly.

20.08.2025
Ajay Goswami

(SHALINI SINGH NAGPAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>