

2025:PHHC:083901



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

**CRM-M-27884-2023 (O&M)
DECIDED ON: 11.07.2025**

KARAMJEET KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. H.S. Randhawa, Advocate and
Mr. Jaiveer Singh, Advocate and
Mr. Deepinder Virk, Advocate
for the petitioner.

Mr. Sandeep Singh, AAG Punjab

Mr. Vijay Rana, Advocate for
respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

1. This petition has been filed under Section 407 Cr.P.C read with Section 482 Cr.P.C. praying for transfer of trial in present case being FIR No.30, dated 08.02.2002, under Sections 420, 465, 468, 471, 120-B of IPC, 1860, registered at Police Station Division No.8, District Police Commissionerate, Jalandhar, from the jurisdiction of Jalandhar to Ludhiana.

2. It is submitted by learned counsel for the petitioner that the petitioner is author of the present FIR. He submits that at the behest of the petitioner, other four cases including one FIR under Section 498-A, 406 of IPC are also pending trial before the Court of Ludhiana. He further submits that the case filed by

respondent No.3, i.e., husband of the petitioner has already been transferred to the Court at Ludhiana. Thus, in the interest of justice, the trial of the present case also deserves to be transferred from Jalandhar to Ludhiana.

3. Learned counsel appearing on behalf of respondents No.2 & 3 has endorsed no objection in case the trial in the present is transferred to the Courts at Ludhiana from the Courts of Jalandhar.

4. In view of the above facts and circumstances it would be pertinent to discuss these submissions in the light of legal conjunction in question, discussing the settled principles governing the transfer of criminal case under Section 407, CrPC, no universal or hard and fast rules can be prescribed for deciding a transfer petition which has always to be decided on the basis of the facts of each case. Convenience of the parties including the witnesses to be produced at the trial is also a relevant consideration for deciding the transfer petition. The convenience of the parties does not necessarily mean the convenience of the petitioners alone who approached the court on misconceived notions of apprehension. Convenience for the purposes of transfer means the convenience of the prosecution, other accused, the witnesses and the larger interest of the society.

5. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio- economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer.

6. Further, when two or more proceedings are pending in different Courts between the same parties which raise common question of fact and law, and when the decisions in the cases are interdependent, it is desirable that they should be tried together by the same Judge so as to avoid multiplicity in trial of the same issues and conflict of decisions.

7. With the humongous pendency of proceedings it is against public interest to further this pendency and risk conflicting findings and undue hardships to the parties.

8. Moreso, it is in the interest of Cardinal Principles of Criminal Jurisprudence to uphold facets of Article 21 of the Constitution of India that is “the right to fair trial” must always be advanced. It is clear as a noon day that ensuring a fair trial is the predominant consideration for a court to rule on a motion for transfer of a case. This principle has been reiterated in landmark judgement of the Apex Court in ***Maneka Sanjay Gandhi v. Rani Jethmalani, reported in (1979) 4 SCC 167*** wherein it has been held as under :

“2. Assurance of a fair trial is the first imperative of the dispensation of justice and the central criterion for the court to consider when a motion for transfer is made is not the hypersensitivity or relative convenience of a party or easy availability of legal services or like mini-grievances. Something more substantial, more compelling, more imperilling, from the point of view of public justice and its attendant environment, is necessitous if the Court is to exercise its power of transfer. This is the cardinal principle although the circumstances may be myriad and vary from case to case. We have to test the petitioner’s grounds on this touchstone bearing in mind the rule that normally the complainant has the right to choose any court having jurisdiction and the accused cannot dictate when- the case against him should be tried. Even so, the process of justice should not harass

the parties and from that angle the court may weigh the circumstances.”

9. Further when a complainant institutes a case in a court of his choosing and such a court has the territorial jurisdiction to adjudicate the matter then the transfer of such case has to be guided by principles that would achieve the ends of justice. The meaning of “ends of justice” essentially refers to justice for all the parties involved in the litigation. The import of the expression “ends of justice” has been discussed by the Apex Court in ***Yakub Abdul Razak Memon v. State of Maharashtra***, reported in (2013) 13 SCC 1 wherein it has been held that:

“1551. While dealing with such an issue, the court must not lose sight of the fact that meaning of “ends of justice” essentially refers to justice to all the parties. This phrase refers to the best interest of the public within the four corners of the statute. In fact, it means preservation of proper balance between the Constitutional/statutory rights of an individual and rights of the people at large to have the law enforced. The “ends of justice” does not mean vague and indeterminate notions of justice, but justice according to the law of the land.”

10. Owing to the above analyzed legal factum it would be just, that the trial of the present case also be transferred from the Court of Jalandhar to Court of Ludhiana as it would serve the ends of justice by ensuring effective coordination and adjudication of all related matters by a single forum thereby effecting convenience of parties and avoiding risk of conflicting findings and undue hardships to the petitioner. In Addition the respondent has endorsed no objection if the prayer of the petitioner is acceded to.

11. Accordingly, the trial arising out of FIR No. 30 dated 08.02.2002, registered under Sections 420, 465, 468, 471, and 120-B of the Indian Penal Code, 1860, at Police Station Division No. 8, District Police Commissionerate,

Jalandhar, is hereby ordered to be transferred from the Courts at Jalandhar to the competent Courts at Ludhiana.

12. The petition in the allowed in the aforesaid terms.

11.07.2025
Meenu

(SANDEEP MOUDGIL)
JUDGE

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