

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**Cr. MMO No. 714 of 2026****Reserved on: 8.7.2026****Date of Decision: 20.7.2026.**

Ashok Kumar Ranga and anr. Petitioners

Versus

State of HP & anr. Respondents

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ No.

For the Petitioner : Mr Ganesh Barowalia,
Advocate.

For Respondent No.1/State : Mr Ajit Sharma, Deputy
Advocate General.

For Respondent No.2 : Nemo.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for transfer of the proceedings pending before the learned Chief Judicial Magistrate, Kinnaur, H.P., titled Anvesha Negi Vs. Akshay Kumar Ranga and others from Kinnaur to a competent Court of law at Shimla or Mandi.

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

2. It has been asserted that respondent No.2 initiated the proceedings against the petitioners and others under various provisions of the Protection of Women from Domestic Violence Act (DV Act). The matter is pending before the Chief Judicial Magistrate, Rekong Peo and was listed on 27.6.2026. The husband of respondent No.2 is residing in the United Kingdom and is unable to attend the Court. The petitioner No.1 is a senior citizen who is suffering from various medical ailments. Petitioner No. 2 is aged 61 years. She suffers from anxiety and hypertension and requires regular care and medical supervision. It is very difficult for the petitioners to travel from Chandigarh to Reckong Peo. This journey aggravates the medical condition of the petitioners. Respondent No. 2 was earlier posted at Reckong Peo; however, she has been transferred to Shri Lal Bahadur Shastri, Government Medical College, Ner Chowk. The continuation of the proceedings at Kinnaur would not serve any useful purpose. Therefore, it was prayed that the present petition be allowed and the proceedings be transferred from Rekong Peo, District Kinnaur, to the Court at Shimla or Mandi.

3. Mr Ganesh Barowalia, learned counsel for the petitioners, submitted that it is very difficult for the petitioners

to travel from Chandigarh to Rekong Peo to attend the hearing. Respondent No. 2 has also been transferred to Mandi, and the transfer of the petition to Mandi would be convenient to all the parties. Therefore, he prayed that the present petition be allowed and the proceedings be transferred from Rekong Peo to Mandi, H.P. He relied upon the judgment of the Madras High Court in *P. Arun Prakash and others Vs. S. Sudhamary Tr. CMP SR No. 15785 of 2021* in support of his submission.

4. I have given considerable thought to the submissions made at the bar, and I have gone through the records carefully.

5. The present petition has been filed on the ground that continuation of the proceedings at Rekong Peo would cause hardship to the petitioners, and the transfer of the proceedings would be convenient for all the parties. However, this is not a valid ground of transfer. It was laid down by the Hon'ble Supreme Court in *Shri Sendhur Agro & Oil Industries v. Kotak Mahindra Bank Ltd.*, 2025 SCC OnLine SC 508, that mere inconvenience or hardship faced by a person from travelling from one place to another is no ground for transfer. It was observed: -

“65. For the purpose of transferring any case or proceedings under Section 406 of the Cr. P.C., the case must fall within the ambit of the expression “*expedient for the ends of justice*”. Mere inconvenience or hardship that the accused may have to face in travelling from Coimbatore to Chandigarh would not fall within the expression “*expedient for the ends of justice*”. The case must fall within any of the five situations as narrated in para 49 of this judgment. It is always open for the petitioner accused to pray for exemption from personal appearance or request that the Court that him may be permitted to join the proceedings online.”

6. In *P. Arun Prakash and others* (supra), the Madras High Court held that the Court had jurisdiction to transfer the proceedings pending before a Court from one Court to another. This question is not involved in the present case, as the jurisdiction to transfer has not been disputed by any person. The question is whether the jurisdiction should be exercised or not, and the cited judgment does not help in determining the question. Therefore, no advantage can be derived from the cited judgment by the petitioners.

7. No other point was urged.

8. In view of the above, the present petition fails and is dismissed.

9. The observations made herein before shall remain confined to the disposal of the petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

20th July, 2026
(Chander)