

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).8385/2009

(From the judgement and order dated 21/08/2009 in CRLM No. 14361/2008 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

GURINDER KAUR Petitioner(s)

VERSUS

GURMEJ SINGH Respondent(s)

(With appln(s) for stay and office report)

Date: 26/04/2010 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s)
Mr. Sudhir Walia,Adv.
Mr. Abhishek Atrey,Adv.
Mr.Jitendra Kumar,Adv.

For Respondent(s)
Mr. Vipin Gogia,Adv.
Ms. Jaspreet Gogia,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order. There shall be no orders as to costs.

[V.K. TIWARI] [VINOD KULVI]
P.A. COURT MASTER
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 936 OF 2010
[Arising out of SLP(C) No. 8385 of 2009]

GURINDER KAUR Petitioner(s)

VERSUS

GURMEJ SINGH Respondent(s)

O R D E R

Leave granted.

This appeal arises from the order dated August 21, 2009 rendered by the High Court of Punjab and Haryana at Chandigarh in Criminal Miscellaneous Petition No. 14361 of 2008 by whic

h the prayer made by the petitioner to transfer complaint filed by the respondent under Sections 499 and 500, IPC in the Court of Ld. Chief Judicial Magistrate, First Class, Bhatinda to the Court of Competent Jurisdiction, Gurdaspur has been rejected. From the record, it is evident that two cases i.e. (i) complaint filed by the petitioner against her husband and others under Sections 498-A, 406, 506, 313 read with Section 109 is pending in the Court of Competent Jurisdiction situated at Gurdaspur; and (ii) complaint filed by the petitioner against her husband under Sections 467, 468 and 471 relating to fake ration card is also pending in the Court of Competent Jurisdiction at Gurdaspur.

It is relevant to notice that earlier petition filed by the brother of the respondent under Section 9 of the Hindu Marriage Act was transferred by the High Court to Gurdaspur.

Having regard to the facts of the case and in view of the difficulties pointed out in the instant petition, this Court is of the opinion that interests of justice will be served if the complaint filed by the respondent against the petitioner under Sections 499 and 500 pending in the Court of the Ld. Chief Judicial Magistrate, Bhatinda is transferred to the Court of competent jurisdiction at Gurdaspur.

-: 2 :-

For the foregoing, the appeal succeeds. The complaint filed by the respondent under Sections 499 and 500 pending in the Court of the Ld. Chief Judicial Magistrate, Bhatinda is transferred to the Court of Competent Jurisdiction at Gurdaspur.

The appeal is accordingly allowed. There shall be no order as to costs.

.....J.
[J.M. PANCHAL]

.....J.
[B.S. CHAUHAN]

New Delhi;
Dated: April 26, 2010.