



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

(106)

**CRM-M-40375-2025
Date of Decision: 30.7.2025**

Annu Mathur alias Annu Beniwal

.....Petitioner

Versus

Sanjiv Mathur

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kulwant Singh Dhanora, Advocate
for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The present petition under Section 447 read with Section 528 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) has been filed for transfer of criminal complaint filed against the respondent under Sections 323, 403, 406, 420, 467, 468, 498-A, 509 IPC and Sections 3, 4 and 6 of the Dowry Prohibition Act, 1961 at Police Station Dhilwan, Kapurthala, titled as “*Annu Mathur alias Annu Beniwal versus Sanjiv Mathur*” bearing case No. COMI-29-2022, from the Court of the learned Judicial Magistrate Ist Class, Kapurthala (Punjab) to the Court of the learned Judicial Magistrate Ist Class, Panchkula (Haryana).

2. Brief factual matrix relevant for the disposal of the present petition is that the marriage between the petitioner and the respondent was solemnized on 6.11.2002 at Rohtak, as per Hindu religious rites and ceremonies. Out of the said wedlock, two children were born on 8.2.2005 and 3.10.2007, respectively, who are under the care and custody of their mother i.e. the present petitioner. Subsequently, some matrimonial disputes



arose between the parties, leading to the filing of the present criminal complaint by the petitioner against the respondent, which is pending adjudication before the Court of the learned Judicial Magistrate Ist Class, Kapurthala. During the pendency of the said complaint, an application under Section 125 Cr.P.C. for maintenance was filed by the petitioner and her children, which was allowed by the learned Family Court, Kapurthala vide order dated 19.09.2023. The petitioner and her children had earlier approached this Court by way of CRM-M-18048-2025 seeking transfer of the execution petition filed by the petitioner under Section 128 Cr.P.C. from the Court of the learned Principal Judge, Family Court, Kapurthala, to the Court of the learned Principal Judge, Family Court, Panchkula. Vide order dated 02.4.2025 (Annexure P-4), the said petition was allowed by this Court.

3. Learned counsel for the petitioner submits that petitioner along with her minor son and a major daughter are residing at Panchkula. The distance between District Kapurthala to District Panchkula is more than 175 kilometers and it is very difficult for her to travel to and fro to attend each date of hearing. It is submitted that more than Rs.15,00,000/- is pending against the respondent towards arrears for maintenance. He also submits that having two children and being hand-to-mouth, it is very difficult for the petitioner to travel for such a long hours in public transport to attend each and every hearing of her case at Kapurthala. It has also been submitted that the petition filed by the petitioner and her children bearing No. CRM-M-18048-2025 seeking transfer of the execution petition, has been allowed by this Court on 02.4.2025. Therefore, it is prayed that the present petition be also allowed and the criminal complaint (supra) be transferred to the Court of the learned Judicial Magistrate Ist Class, Panchkula.



4. Heard.

5. The present petition is decided *in limine* in order to save the litigation expenses to be incurred by the respondent-husband as well as judicial time of the Court.

6. It is trite that while deciding any transfer application, the Courts are required to give more weightage and consideration to the convenience of the female and minor litigants and that the transfer of legal proceedings from one Court to another should ordinarily be allowed, after taking into consideration their convenience to ensure that dependent/female litigants are not subjected to undue hardships.

7. Thus, in the peculiar circumstances of the present case, this Court deems it appropriate to dispose of the present petition with the following directions:-

(i) The criminal complaint bearing case No. COMI-29-2022 filed by the petitioner, pending before the Court of the learned Judicial Magistrate Ist Class, Kapurthala will be transferred to the competent Court of jurisdiction at Panchkula.

(ii) The District Judge, Panchkula will assign the said case to the competent Court.

(iii) The District Judge, Kapurthala is directed to transfer all the record pertaining to the aforesaid case(s) to District Judge, Panchkula.

(iv) The parties are directed to appear before the competent court, Panchkula within a period of one month from today.

(v) The competent Court will make all the endeavour to refer the case before the Mediation and Conciliation Centre for



exploring the possibility of amicable settlement between the parties.

(vi) The Court concerned, where the litigations between the parties are pending, will accommodate them with one date in one calendar month.

8. However, liberty is granted to the respondent to revive this petition, if he intent to contest the same, provided that:-

(a) The respondent will clear all arrears of maintenance amount, if any, in terms of a petition filed by the petitioner under Section 125 Cr.P.C.

(b) The respondent will file an affidavit giving undertaking to pay Rs. 5,000/- per day, to the petitioner for attending the Court proceedings at District Court, Kapurthala on each and every date of hearing.

(c) The respondent will bring a demand draft of Rs.25,000/- towards the litigation expenses of the petitioner to pursue the case at District Court, Kapurthala, in case the respondent opts to contest this petition.

9. The present petition is disposed of accordingly.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 30, 2025
Gurpreet Singh

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