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

CRM-M-24682-2025  
Decided on : 07.05.2025

Nagender Mudgil

. . . Petitioner

Versus

Ruchi Sharma s

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. S.K. Tripathi, Advocate  
for the petitioner

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**KIRTI SINGH, J. (Oral)**

The present petition under Section 447 of BNSS has been filed for transfer of the impugned complaint bearing DV case NO. 15 dated 29.11.2024 (Annexure P-1) titled as *Smt. Ruchi Sharma vs. Nagender Mudgil and others* pending before the Court of SDJM, Bawal filed by respondent at Bawal, District Rewari to Gurugram District Court from the Court of SDJM, Bawal.

2. Learned counsel for the petitioner submits that marriage of petitioner was solemnized with the respondent on 21.05.2021 and out of this wedlock, one female child was born on 02.03.2022. The respondent had not disclosed the fact of her previous marriage to the petitioner. It has further been argued that respondent has filed a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'DV Act') against the petitioner by levelling false and frivolous allegations, and also claimed



maintenance from the petitioner. Learned Court, Bawal without appreciating the facts and circumstances of the case has issued notice to the petitioner, by overlooking the fact that the domestic violence petition could only be filed at the place where the husband's family is residing, which is in Gurugram District, at a distance of about 70 kilometers from Bawal, where the proceedings are going on. It is also the further submission that the respondent misbehaved with the petitioner when he appeared before the learned Court at Bawal on 08.01.2025.

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

4. Section 27 of the DV Act, which deals with the provision regarding jurisdiction is reproduced herein below:

***27. Jurisdiction***

*(1)The Court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which*

*(a)the person aggrieved permanently or temporarily resides or carries on business or is employed; or*

*(b)the respondent resides or carries on business or is employed; or*

*(c)the cause of action has arisen, shall be the competent Court to grant a protection order and other orders under this Act and to try offences under this Act.*

*(2)Any order made under this Act shall be enforceable throughout India.*

5. A bare perusal of the aforesaid provision makes it amply clear that there is no issue of jurisdiction in the present case. Since marriage between the



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petitioner and the respondent had solemnized at Bawal, which is also the place where the matrimonial home of the respondent is.

6. Further, under similar circumstances where the husband was seeking transfer of cases instituted by his wife on the grounds of threat perception to his life and limb, the Rajasthan High Court in *Shahrukh vs. Shabina, Crl. Misc. Transfer Petition No. 22 of 2015* decided on 04.05.2017, held that the allegations of threat were unfounded and the transfer petitions were not bonafide but aimed at stalling the proceedings.

7. Even otherwise, it is a general norm that convenience of wife and minors needs to be given precedence, in the absence of compelling circumstances which would warrant otherwise. In the instant case, other than the bald assertions of the petitioner, he has not been able to sufficiently satisfy this Court qua the existence of such circumstances that can justify the transfer of the instant petition from the Court of SDJM, Bawal to a Court of competent jurisdiction at Gurugram.

8. The petition is, accordingly, dismissed.

07.05.2025

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(KIRTI SINGH)  
JUDGEWhether speaking/reasoned  
Whether reportableYes/No  
Yes/No