



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-47317 of 2024(O&M)

Reserved on: 12.08.2025

Date of Order:13.08.2025

**Harpreet Kaur**

**.Petitioner**

**Versus**

**Ravinder Pal Singh**

**..Respondent**

**CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL**

**Present: Mr. Manik Makkar, Advocate,  
for the petitioner.**

**Mr. Arvind Kashyap, Advocate  
for the respondent.**

**SHALINI SINGH NAGPAL, JUDGE**

1. Prayer in this petition, filed under Section 447 of the Bhartiya Nagarik Suraksha Sanhita, 2023, is for transfer of petition No.MNT125/219/2021, titled "Hharpreet Kaur vs. Ravinder Pal Singh, under Section 125 Cr.P.C., from the Court of learned Principal Judge, Family Court, Fatehgarh Sahib , Punjab, to the competent Court of jurisdiction at Rajpura, District Patiala, Punjab.

2. The facts, relevant for disposal of the petition, are that petitioner was married with respondent on 27.01.2007, according to Sikh rites, in the Gurudwara of village Basantpura, but no child was born out of the wedlock. After the marriage, the parties resided in the matrimonial home in village Dalo Majra, Tehsil and District Fatehgarh Sahib. In August, 2013, the respondent-husband went abroad without disclosing his destination to the petitioner. Petitioner lived in the matrimonial home till January, 2014, after



which she was turned out of the house by father and sister of the respondent and was not allowed entry. Respondent had deserted the petitioner and since January, 2014, she was residing in her parental home. The parties were embroiled in a matrimonial dispute

3. Petitioner further averred that she filed a petition under Section 125 of the Code of Criminal Procedure, 1973, before the learned Principal Judge, Family Court, Fatehgarh Sahib, in May 2020, wherein interim maintenance of Rs.3,000/- per month was ordered to be paid to her and the case, at the time of filing the petition was pending for petitioner evidence. Petitioner was misled to file the petition before the Court at Fatehgarh Sahib, though she was residing at Rajpura. Other litigations between the parties were pending before the Courts at Rajpura.

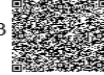
4. Petitioner further averred that she had been receiving threats from the respondent whenever she traveled to Fatehgarh Sahib, for attending Court proceedings. In this regard, she moved an application, Annexure P-5, to Senior Superintendent of Police, Fatehgarh Sahib. On that account, she was afraid to travel to Fatehgarh Sahib. After August 2024, 2-3 goons of the respondent had threatened her with dire consequences. She also averred that she was residing in Village Bhedwal, Tehsil Rajpura and the respondent was already appearing in the cases pending before the Courts at Rajpura. She was 10+2 pass and had no movable and immovable property. She had no source of income sufficient for her livelihood. Respondent was not paying any maintenance allowance and it was difficult for her the travel to Fatehgarh Sahib.

5. Respondent filed reply to the petition contesting it.



6. Learned counsel for the petitioner argued that two cases between the parties were already pending at Rajpur and the only case pending at Fatehgarh Sahib was the petition under Section 125 Cr.P.C. He submitted that petitioner had no means to support herself and it was difficult for her to visit the court at Fatehgarh Sahib on account of financial constraints and threats extended by the respondent and his accomplices. Moreover, the distance between Rajpura and Fatehgarh Sahib was hardly 50 Kms.. Respondent was already appearing at the Courts at Rajpura. He, thus, submitted that the petition be allowed and the case in question be transferred to the competent Court at Rajpura.

7. Learned counsel for the respondent, on the other hand, submitted that the allegations levelled by the petitioner regarding desertion and turning out of the matrimonial home were false and concocted. The petition under Section 125 Cr.P.C was voluntary act of the petitioner and there was no ground to transfer the case to Rajpura. Petitioner was at liberty to withdraw the petition under Section 125 Cr.P.C. at Fatehgarh Sahib and filed it at Rajpura. Respondent would be greatly prejudiced in case order was made for transfer as he would have to engage another counsel. The story of respondent extending threats to the petitioner was concocted, to make a ground for the petition. Respondent remained out of station due to his employment and never threatened the petitioner in any manner. He referred to affidavit of Deputy Superintendent of Police, Fatehgarh Sahib, to contend that the petitioner had made a statement before the Police that she did not wish to pursue the complaint regarding threats by the respondent. He, thus, prayed that the petition be dismissed.



8. Though there is affidavit of Deputy Superintendent of Police, Fatehgarh Sahib on record to show that the petitioner did not pursue her complaint against the respondent regarding threats extended, this cannot be taken to imply that her complaint was concocted. The withdrawal of complaint notwithstanding, convenience of the petitioner wife is of paramount consideration, given the financial hardships, she is facing.

9. In matrimonial matters, wherever the courts are called upon to consider the plea of transfer, the economic status of the parties, their standard of life, the class to which they belong, means of livelihood etc. have to be given due weightage and consideration. Petitioner is the estranged wife of the respondent, 48 years of age. She is living in her parental house. She has no means of sustenance on which account she filed a petition under Section 125 Cr.P.C. against the respondent. Even though, the distance between Rajpura and Fatehgarh Sahib is only 50 Kms, it would be just and proper to transfer the petition under Section 125 Cr.P.C to the Court at Rajpura, Patiala, where a complaint case bearing CRM-571-2022, titled "Harpreet Kaur vs. Ravinder Pal Singh and other" is already pending in the Court of learned Judicial Magistrate Ist Class, Rajpura. Plea of the respondent that the petitioner ought to withdraw her petition under Section 125 Cr.P.C and file the same again at Rajpura deserves to be repelled as the petitioner cannot be asked to give up her valuable rights accrued during pendency of the petition.

10. The petition is, therefore, allowed. The petition no.MNT125/219/2021, under Section 125 Cr.P.C.,titled 'Harpreet Kaur vs. Ravinder Pal Singh', pending before the Court of learned Principal Judge,



Family Court, Fatehgarh Sahib, is ordered to be transferred to the Court of competent jurisdiction at Rajpura, Patiala. District & Sessions Judge, Patiala, shall assign the said case to the competent Court of jurisdiction. The Court at Fatehgarh Sahib is directed to transfer entire record of the case to the Court, at Patiala. The parties are directed to appear before the Court at Patiala, within a period of one month, from today.

11. All the pending miscellaneous applications, if any, are also disposed of.

**(SHALINI SINGH NAGPAL)**  
**JUDGE**

**13<sup>th</sup> August, 2025**  
**nt**

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