

Inder Singh And Ors. vs Kartar Singh on 16 October, 1978

Equivalent citations: AIR1979SC1720, (1979)4SCC192, 1979(11)UJ8(SC), AIR 1979 SUPREME COURT 1720, 1979 CRI LJ (NOC) 201, 1979 UJ(SC) 8, 1979 SCC(CRI) 953, 1979 UJ (SC) 8 (1), 1979 (4) SCC 192

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Bench: D.A. Desai, S. Murtaza Fazal Ali

ORDER

S. Murtaza Fazal Ali, J.

1. Having regard to the very peculiar and extraordinary circumstances of this case, we feel that the petitioners have made out case for transfer. The definite allegation of the petitioners is that the complaint was frivolous and it has been filed with a view to pressurise the petitioners' sister to give up her claim for maintenance awarded to her against Prem Dass. It is alleged that Prem Dass has deliberately upsued Kartar Singh to file a false complaint against the Petitioners at Cuttack. As we propose to transfer the case to Chandigarh within the jurisdiction of the Punjab High Court, we do not want to take any observation on merits. The Petitioners are poor persons and it will be most difficult for them to attend the hearing at Cuttack. On the other hand, we find from the statement of the complainant on solemn affirmation that there is absolutely no witness excepting himself regarding the incident and the entire case against the petitioners rests on the solitary statement of the complainant who easily can go to Chandigarh. In these circumstances, the petition is allowed and the complaint filed against the petitioners, is transferred to the Court of Chief Judicial Magistrate, Chandigarh.