

Present: Applicant Aashish Gupta in person.
 Shri Manpreet Kaushal, Advocate, counsel for complainant
 Ashu.
 Shri K.C.Sharma, Advocate, counsel for complainant Deepika.

ORDER:

 An application has been moved by the applicant, Aashish Gupta, under Section 408 Cr.P.C. seeking transfer/clubbing of cases bearing FIR No.622 of 2020, Police Station Quilla, Panipat, pending in the Court of Shri Mahendra Singh, Chief Judicial Magistrate, Panipat, FIR No.192 of 2021, Police Station Quilla, Panipat, pending in the Court of Ms.Himani Gill, Judicial Magistrate Ist Class, Panipat and FIR No.219 of 2023, Police Station Quilla, Panipat pending in the Court of Shri Akhil Garg, Judicial Magistrate Ist Class, Panipat. The details of the cases sought to be transferred are as under :-

Sr. No.	CIS No.	Case Title	Court	Stage	Next Date
1	CHI 1295-2021	FIR No.622 of 2020, under Sections 341, 354, 354-D and 506 IPC, Police Station Quilla, Panipat titled “State Vs Ashish Gupta”	Shri Mahendra Singh, Chief Judicial Magistrate, Panipat	For prosecution evidence	01.09.2026
2	CHI 1301-2021	FIR No.192 of 2021 under Sections 201, 354-D, 506, 509, 195-A IPC and 67-A Information Technology Act, Police Station Quilla, Panipat titled “State Vs Ashish Gupta”	Ms.Himani Gill,Judicial Magistrate Ist Class, Panipat	For arguments on application for addition of charge	08.09.2026
3	CHI 1510-2023	FIR No.219 of 2023 under Sections 506 and	Shri Akhil Garg,	For arguments on charge	04.08.2026

Sr. No.	CIS No.	Case Title	Court	Stage	Next Date
		509 IPC, Police Station Quilla, Panipat titled “State Vs Ashish Gupta”	Judicial Magistrate Ist Class, Panipat		

2. It is submitted in the application that the applicant is facing prosecution in the above-mentioned criminal cases at the instance of closely related complainants belonging to the same family. FIRs No.622 of 2020 and 192 of 2021 have been lodged by the same complainant and arise out of substantially connected allegations, overlapping factual circumstances and continuous cause of action.

2.1 It is further submitted that allegations in both the said FIRs are materially interconnected and revolve around substantially similar accusations under Sections 354, 354-D, 506, 509 IPC and 67-A of the Information Technology Act along with allied provisions. Both the said cases were pending in the Court of Ms.Rupa, the then learned Judicial Magistrate Ist Class and were being dealt with together because of their interconnected factual background. However, due to transfer of Ms.Rupa, the then learned Judicial Magistrate Ist Class, Panipat, the two connected matters were separated and were assigned to different courts. Presently, FIR No.622 of 2020 is pending in the Court of Shri Mahendra Singh, learned Chief Judicial Magistrate, Panipat whereas FIR No.192 of 2021 is pending in the Court of Ms.Himani Gill, learned Judicial Magistrate Ist Class, Panipat.

2.2 It is further submitted that FIR No.219 of 2023 under Sections 506 and 509 IPC was also registered at Police Station Quilla, Panipat at the instance of real sister of the complainant party, which is pending in the Court of Shri Akhil Garg, learned Judicial Magistrate Ist Class, Panipat, though the same was earlier pending in the Court of Ms.Himani Gill, learned Judicial Magistrate Ist Class, Panipat and was transferred during the administrative reshuffling of courts. FIR No.219 of 2023 is also connected with the ongoing disputes and allegations between the same set of parties and originates from the same background of hostility and litigation.

2.3 It is further submitted that separate adjudication of these connected matters before different courts would create a strong possibility of conflicting findings and inconsistent judicial observations. If the matters continue before separate courts, identical witnesses may be repeatedly summoned and examined, which would be the unnecessary burden upon the witnesses as well as judicial system.

2.4 It is further submitted that the applicant had earlier approached Hon'ble High Court in CRM-M-35948 of 2024 and CRM-M-31820 of 2024 seeking transfer/consolidated hearing of the connected matters and the interconnected nature of the disputes had already come under judicial consideration.

2.5 A prayer has, therefore, been made for transferring FIRs No.622 of 2020, Police Station Quilla, Panipat and 219 of 2023, Police Station

Quilla, Panipat, pending in the Courts of Shri Mahendra Singh, learned Chief Judicial Magistrate, Panipat and Shri Akhil Garg, learned Judicial Magistrate Ist Class, Panipat respectively to the Court of Ms.Himani Gill, learned Judicial Magistrate Ist Class, Panipat; directing that FIRs No.622 of 2020, 192 of 2021 and 219 of 2023 be heard analogously by one Court, preferably by the Court of Ms.Himani Gill, learned Judicial Magistrate Ist Class, Panipat and further for keeping further proceedings in abeyance in the above-mentioned matters.

3. Upon notice, complainant Deepika Bathla (of FIR No.622 of 2020 and FIR No.192 of 2021) filed reply to the application raising preliminary objection regarding cause of action. It has been submitted that FIR No.219 of 2023 has no concern with FIRs No.622 of 2020 and 192 of 2021. The main case, in which the evidence of complainant has been recorded is pending in the Court of Shri Mahendra Singh, learned Chief Judicial Magistrate, Panipat, which is the Court of senior most judicial magistrate.

3.1 It has further been submitted that on the asking of the accused, the cases may not be transferred to a judge of his liking. It is the habit of the accused to file transfer application against judicial officers if he finds that the case is being heard properly by the concerned magistrate. The application has been filed to cause more delay in trial and to flout the orders of Hon'ble High Court. The applicant/accused has also filed many cases against the answering respondent as detailed in para no.8 of the reply.

3.2 On merits, it has been submitted that facts and cause of action are entirely different and accused had committed different offence in both the FIRs. The complainants and cause of action in all three FIRs are altogether different. The evidence has only commenced in FIR No.622 of 2020 and not in FIR No.192 of 2021.

3.3 It has further been submitted that the cases have been transferred in routine but both cases are on different footing and cannot be tried together. Evidence recorded in one case cannot be read in other case. It is further submitted that the accused had approached Hon'ble High Court seeking transfer of the cases from Panipat District to other station and there was no prayer of consolidation of the cases. The Hon'ble High Court passed speaking order vide which the prayer of the accused was declined. While denying the remaining material averments, dismissal of application has been prayed for.

4. Complainant Ashu (of FIR No.219 of 2023) filed separate reply raising preliminary objection regarding concealment of material facts. It has been submitted that the applicant has attempted to create an impression that all the FIRs arise out of one and the same transaction, whereas the allegations, incidents, complainants, dates of occurrence and stages of proceedings are separate and distinct. Merely because the parties may be known to each other or belong to the same family would not *ipso facto* justify transfer, consolidation or analogous hearing of separate criminal proceedings. The present application has been filed with an intention to

delay the trials.

4.1 On merits, it has been submitted that FIRs No.622 of 2020 and 192 of 2021 are separate cases arising from distinct incidents and separate allegations. Mere similarity of certain penal provisions does not make the causes of action identical. The earlier assignment of the cases before one Court does not create any vested right in favour of the applicant for permanent consolidation or transfer. The proceedings in the respective cases are independent and have progressed according to their own procedural requirements.

4.2 It has further been submitted that the evidence in all the matters is not substantially common. Each FIR contains distinct allegations requiring separate appreciation of evidence and independent adjudication. The subsequent FIR cannot automatically be treated as part of the same transaction merely because allegations are against the same accused. The administrative assignment of matters by itself does not confer any legal ground for transfer under Section 408 Cr.P.C.

4.3 It has further been submitted that the complainant of FIR No.219 of 2023 is a different individual and the allegations therein are independent in nature. Rests of the material averments of the application have been denied and its dismissal has been prayed for.

5. The files of aforesaid cases have been requisitioned and perused. I have heard learned counsel for the parties and have carefully perused the record besides going through the written submissions placed on

record on behalf of the applicant.

6. I have considered the rival submissions advanced by learned counsel for the parties and have carefully gone through the record. The power of transfer under Section 408 Cr.P.C. is discretionary and is to be exercised only where such transfer is necessary to secure the ends of justice or where there exists a reasonable apprehension of prejudice, likelihood of conflicting decisions, or other compelling circumstances warranting departure from the ordinary course of trial. Mere similarity of parties, relationship between the complainants, or some overlap in the nature of allegations does not, by itself, constitute sufficient ground for directing transfer or analogous hearing of separate criminal cases.

6.1 In the present case, although FIR Nos.622 of 2020 and 192 of 2021 have been lodged by the same complainant and contain certain common penal provisions, each FIR relates to a separate occurrence and gives rise to an independent cause of action. Likewise, FIR No.219 of 2023 has been lodged by a different complainant and pertains to a distinct incident. The evidence in each case is required to be appreciated independently in the light of the allegations made therein, and the findings recorded in one case cannot govern or conclude the issues arising in another. The fact that at one stage some of the cases were pending before the same Court owing to administrative allocation does not confer any vested right upon the applicant to seek their continued trial before a single Court. Similarly, the subsequent redistribution of the cases amongst different

Courts as part of routine administrative reshuffling cannot, by itself, furnish a legal ground for transfer under Section 408 Cr.P.C.

6.2 It is also pertinent to note that the trials are at different stages. The evidence has already commenced in FIR No.622 of 2020, whereas the other matters have not progressed to the same extent. Transfer of the cases at this stage is likely to impede the progress of the trial already underway rather than advance the cause of justice. The apprehension expressed by the applicant regarding the possibility of inconsistent findings is also misconceived. Since each criminal case is required to be decided on the basis of its own pleadings, evidence and circumstances, any similarity in background or relationship between the parties does not necessitate a joint or analogous trial. The Code itself contemplates separate adjudication of distinct offences unless the statutory requirements for a joint trial are satisfied, which is not the case here. Otherwise also, if any particular case is decided first in point of time, its judgment can be brought to the notice of the court dealing with other cases.

6.3 The Hon'ble Supreme Court in ***Nahar Singh Yadav & Anr. v. Union of India & Ors.***, (2011) 1 SCC 307, has held that the power of transfer is an extraordinary discretionary power which is required to be exercised sparingly, cautiously and only in exceptional situations where the ends of justice so demand. Mere apprehension or convenience of a party is not sufficient. The apprehension that justice may not be done must be reasonable, bona fide and supported by material on record. Unless

compelling circumstances exist indicating a real likelihood of failure of justice, an order of transfer ought not to be passed.

6.4 No material has been placed on record to establish that the applicant would suffer any prejudice if the cases continue before their respective Courts or that any circumstance exists giving rise to a reasonable apprehension that justice would not be done. Consequently, no case is made out for exercise of the discretionary jurisdiction under Section 408 Cr.P.C.

6.5 Accordingly, finding no merit in the present application, the same is hereby dismissed. The trial Courts concerned shall proceed with the respective cases independently in accordance with law, uninfluenced by any observation made herein, which has been recorded solely for the purpose of deciding the present transfer application.

7. Trial Court records be sent back immediately along with copy of this order. The transfer application file be completed and consigned to the record room.

Pronounced in open Court
Dated: 27.07.2026
(Asha Rani, Stenographer Gr.I)

(Vani Gopal Sharma),
Sessions Judge, Panipat.
(UID HR0073)