



UPHR010068132025

**In the Court of Sessions Judge, Hardoi**

**(J.O. Code- U.P. 5728)**

CrI. Misc. Case No. 600/2025

Shivam Mishra v Kalindri Mishra

**Date: 24.03.2026**

1. This transfer application has been filed u/s 448 B.N.S.S. by the applicant with the prayer that Misc. Case No. 406/2024, u/s 125 Cr.P.C., Smt. Kalindri alias Prabha v Shivam Mishra, pending in the Court of Gram Nyayalaya Shahabad, District Hardoi, be transferred to any competent Court.

2. Learned counsel for the applicant submitted that on the previous date of hearing, i.e., 18.09.2025, the matter was listed before the Gram Nyayalaya, Shahabad, specifically for the disposal of the application for interim maintenance. He was present in Court along with his counsel. During the proceedings, the Presiding Officer inquired whether he was willing to cohabit with the opposite party Kalindri Mishra. The applicant, in response, declined the proposal for cohabitation. That following the refusal, as he was leaving, he was intercepted outside the town of Shahabad by the opposite party Kalindri and her brothers Sajjan and Sachin. They physically assaulted him and issued a life threat, stating that if he did not take Kalindri back with him, he would be killed. The brother of the opposite party Sajjan is an accused in Case Crime No. 123/2023, u/s 147, 148, 149, 302, 307, 341, 506 I.P.C., at P.S. Majhila, District Hardoi. The said case is currently pending before this Court and the accused was released on bail after serving two and a half years in custody. The applicant is under severe mental trauma and fears for his life. Given the violent history of the opposite party's family, there is a substantial threat that a grave offense may be committed against the applicant if he continues to attend hearings at the Gram Nyayalaya Shahabad. He has already submitted applications regarding this incident. In the interest of justice, it is requested to transfer the case, pending before Gram Nyayalaya Shahabad, District Hardoi to any competent Court.

3. Report has been received from the Court concerned, which confirms the pendency of the said case in its Court.

4. Heard learned counsel for the applicant and perused the record.

5. From the perusal of the record, it is clear that the the opposite party Kalindri Mishra has filed a case against the applicant u/s 125 Cr.P.C., which is pending before the Court of Gram Nyayalaya Shahabad, District Hardoi. In this case, application of the opposite party for interim maintenance is pending. The applicant has made allegation against the opposite party and his brothers that they assaulted and threatened him however, he has not specified the time of alleged incident. Although, the applicant has submitted details of the pending criminal case against the opposite party's brother Sajjan. It is a well-settled principle of law that the mere pendency of a criminal case against a relative of a party cannot, be a sufficient ground for the transfer of a proceeding u/s 125 Cr.P.C. The applicant has not made any allegations against the Presiding Officer of the concerned Court. Case has been transferred to the Court of Gram Nyayalaya Shahabad, which became operational on 18.06.2025, from Family Court for the purpose of convenience of residents living in remote area. Therefore, I found no force in transfer application.

6. Keeping in view the facts and circumstances of the matter, this Court is of the considered opinion that this transfer application is liable to be rejected.

**Order**

Transfer application filed by the applicant is hereby rejected.  
Consign.

Date: 24.03.2026

**(Reeta Kaushik)**  
Sessions Judge,  
Hardoi