

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Transfer Petition (Crl.) No. 14 of 2024

Suraj Singh Chandel, aged about 31 years, son of Basudeo Singh, at present resident of Flat No. 103, Maruthi Residence, H-Cross, Gangappa Lay Out, D.V. Nagar, P.O. & P.S.-D.V. Nagar, Dist.-Bangalore, PIN-560016, Karnataka
... .. **Petitioner**

Versus

Basudeo Singh, son of Kashinath Singh, resident of Plot No. 20-D, Cooperative Colony, Nutandih, Near Anand Clinic, Kola Kusuma, P.O. & P.S.-Saraidhela, Dist.-Dhanbad
..... **Opp. Party**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMARSRIVASTAVA

For the Petitioner	: Mr. Nitish Krishna, Advocate
For the Opp. Party	: Mr. Navneet Anand, Advocate

Order No. 17/ Dated:12th March, 2026

Heard learned counsel for the parties.

2. The instant petition has been filed under Section 447 of the BNSS, 2023 for transfer of Original Maintenance Case No. 256 of 2024 filed by the opposite party pending in the court of Learned Addl. Principal Judge-II, Addl. Family Court No. II, Dhanbad to the Court of learned Principal Judge, Family Court, Ranchi or any other court of competent jurisdiction at Ranchi.

3. Learned counsel for the petitioner submits that above maintenance case No. 256 of 2024 was filed by his father under Section 125 of the Cr.P.C. for grant of Rs. 70,000/- per month as maintenance allowance from the present petitioner, who happens his son. The petitioner has already replied and filed his objection through Speed Post before the concerned Court dated 13.05.2024 which was received in the court concerned on 15.06.2024. In spite of that, the learned Trial Court has directed the petitioner to remain physically present before the Court, on the next date of hearing. It is further submitted that the father of the petitioner (opp. party) was posted as Chief Manager (Personnel) in

BCCL under E-7, Grade in Pay Scale of Rs. 1,00,000/- to 2,60,000/- and economically very sound person. He is himself capable to maintain himself and also other family members, hence, not entitled for any maintenance. It is further submitted that the motive behind institution of maintenance case is that the petitioner is a member of higher caste and has solemnized marriage with a scheduled caste girl against the will and consent of his father, which was highly protested in the family. The petitioner was coerced and subjected to cruelty and also declared insane person by his father and other family members and compelled to get medical treatment at Mental Hospital, Asansol Life Line Foundation but nothing abnormalcy was found. The father (opposite party) of the petitioner also filed criminal case against the wife of the petitioner and her family members and used to threaten them of dire consequences. The mother of the petitioner has also filed a complaint case No. 13619 of 2022 before the Court of C.J.M, Dhanbad against the cousin brother of the petitioner namely Manish Kumar Singh who facilitated the marriage of the petitioner with a girl of his own choice. It is further submitted that due to constant threat through email sent to the petitioner by his father, a reasonable apprehension has arisen in the minds of the petitioner that if he goes to Dhanbad to attend the proceedings of the above case, there is likelihood of his abduction, physical and mental torture at the hands of his father and his anti-social associates. It is further submitted that the petitioner is working as a software engineer at Bangalore, therefore, it will be convenient for him to attend the maintenance case at Family Court, Ranchi where airways conveyance is available. The transfer of the aforesaid case before the Family Court, Ranchi will not prejudice the opposite party in any manner, therefore, considering the aforesaid genuine apprehension of the petitioner and his convenience in prosecuting the maintenance case lodged by his father on false and concocted story, as such, this petition may be allowed.

4. On the other hand, the learned counsel for the opp. party has vehemently controverted the aforesaid contentions raised on behalf of

the petitioner and submitted that the opposite party is a senior citizen. He has also filed his certificate regarding monthly income and liability to maintain his wife also. The question of maintainability of the application filed by the opposite party regarding his own sufficient income cannot be taken for consideration at the present stage of the proceedings, which is filed by transfer of the case. The petitioner has absolutely failed to furnish any materials to substantiate his plea that he has reasonable apprehension in his mind to be abducted or maltreated at the hands of his own father, whenever he arrives at Dhanbad. The petitioner is able bodied person of own age, on the other hand, the opposite party is an old ailing person. It is very difficult for him to prosecute his maintenance case against his son at Civil Court, Ranchi. It is also not practicable for the petitioner and his witnesses to do so. The apprehension raised by the petitioner are flimsy, concocted, baseless and not entertainable at all. Therefore, this transfer petition (criminal) is fit to be dismissed.

5. I have considered the rival contentions of the parties.

6. It appears that no clinching material has been brought on record by the petitioner indicating that he might be abducted, assaulted or put under danger either physically or emotionally at the hands of his own father and family members. No such type of background or foundational fact has been brought on record to draw such inference in favour of the petitioner. The mere institution of criminal case by mother of the petitioner and present case of maintenance by his father is not sufficient to raise any presumption about maltreatment with the petitioner at their hands. Therefore, the apprehension of the petitioner that he would be physically and mentally tortured or abducted or any untoward happening will be meted, at the instance of his father is absolutely vague and unfounded. So far as the convenience of the petitioner to prosecute the case from Ranchi is concerned, while he is residing at Bangalore would also create corresponding hardships in prosecuting the case to the opposite party, who is a senior citizen.

7. In view of the above facts and circumstances, I find that the

grounds taken by the petitioner for transfer of the Original Maintenance Case No. 256 of 2024 from Dhanbad to Ranchi are not tenable under law and facts of the case. Therefore, this transfer petition (criminal) is hereby dismissed.

8. Interim order, if any, shall remain vacated.

9. Let a copy of this order be sent to concerned Court for information and needful.

(Pradeep Kumar Srivastava, J.)

12.03.2026

Basant

Uploaded on 18/03/2026