IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

<u>TRANSFER PETITION (CRIMINAL) NOS.214-216 OF 2020</u>

GUNEET KAUR   Petitioner(s)

VERSUS

INDERPREET SINGH @ INDERPAL SINGH ETC.   Respondent(s)

<u>O R D E R</u>

These petitions are filed under Section 406 of the Code of Criminal Procedure. The prayer is as follows:

> "Grant the Transfer petition in favour of the petitioner against the respondent And Transfer the cases
> CC No. 28/2019, for cheque bouncing of Rs.1,80,000/-, In Re: Inderpreet Singh @ Inderpal Singh V/s Guneet Kaur, pending before the Hon'ble Court of Ld. CJM, Tarantaran, Punjab.
>
> C.C. No. 2428/2019, for cheque bouncing of Rs.5,00,000/-, In Re: Charanpal Singh V/s Guneet Kaur, pending before the Hon'ble Court of Ld. Judicial Magistrate Ist Class, Raipur Chattisgarh.
>
> C.C. No. 425/2019, for cheque bouncing of Rs.10,00,000/-, In Re: Harpal Singh V/s Guneet Kaur, pending before the Hon'ble Court of Ld. ACJM, Rai Singh Nagar, Rajasthan.
>
> to the competent Court of Ld. CMM, at New Delhi, In the interest of Justice and equity for which act of kindness the petitioner shall as in duty bound ever pray."

Heard learned counsel for the petitioner.

The cases which are sought to be transferred are filed under Section 138 of the Negotiable Instruments Act, 1881.

The complaints have been filed in Punjab, Chhattisgarh

and Rajasthan.

As far as the third respondent is concerned (Harpal Singh), he is represented by Mr. P.N. Puri, learned counsel. As regards the other two party respondents, though served, there is no representation.

It would appear to be the case of the petitioner that the complaints have been filed under Section 138 at different places by the respondents who are total strangers. According to her, it is an offshoot of a matrimonial dispute and it is her case that the complaints have been orchestrated by her husband. The petitioner is seeking a transfer of all these cases to Delhi.

Learned counsel for the third respondent would submit that the third respondent has nothing to do with the matrimonial dispute and the litigation has been launched in Rajasthan and according to him, he is residing at Rajasthan.

Considering the facts, we are of the view that interest of justice would require that the cases which have been mentioned in the relief clause should be transferred to the competent Court at New Delhi.

We make it clear that we must not be treated as having made any observation as regards the case set up by the petitioner and it would be for the transferee Court to decide the matter strictly in accordance with the merits as established in evidence and law.

The transfer petitions are allowed in terms of the

prayer and the cases shall stand transferred to the competent Court at New Delhi. To facilitate the same, the Registry will communicate a copy of this order to the transferor Court. We further direct that the Principal District and Sessions Judge, Delhi, will make over all the cases to one Court.

The transfer petitions are allowed as above.

…………………………………………………………………., J.
[K.M. JOSEPH]

…………………………………………………………………., J.
[HRISHIKESH ROY]

New Delhi;
October 11, 2022.

ITEM NO.7   COURT NO.5   SECTION XVI-A

S U P R E M E   C O U R T   O F   I N D I A
RECORD OF PROCEEDINGS

Transfer Petition (Criminal) Nos. 214-216/2020

GUNEET KAUR   Petitioner(s)

VERSUS

INDERPREET SINGH @ INDERPAL SINGH ETC   Respondent(s)

(IA No. 66191/2020 - STAY APPLICATION)

Date : 11-10-2022 This matter was called on for hearing today.

CORAM :
        HON'BLE MR. JUSTICE K.M. JOSEPH
        HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)
                Ms. Suresh Kumari, Adv.
                Mr. Vijay Ravi, Adv.
                Ms. Divya Mishra, Adv.
                Ms. Prernaa Singh, Adv.
                Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)
                Mr. P. N. Puri, AOR
                Ms. Reeta Dewan Puri, Adv.
                Mr. Manish Dhingra, Adv.
                Mr. R. P. Singh, Adv.

        UPON hearing the counsel the Court made the following
                        O R D E R

        The transfer petitions are allowed in terms of the
signed order.

        Pending application stands disposed of.

        (NIDHI AHUJA)   (RENU KAPOOR)
          AR-cum-PS   ASSISTANT REGISTRAR
            [Signed order is placed on the file.]

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