

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) No. 75 of 2014

SUNITA VERMA & ORS.

Petitioner(s)

VERSUS

RAJESH & ANR.

Respondent(s)

O R D E R

Heard.

The petitioner-wife along with three others has filed this transfer petition seeking transfer of criminal complaint, Case no.1055 of 2012, titled Rajesh versus Sunita Verma and others, pending before the Chief Judicial Magistrate, Rudrapur, Udham Singh Nagar, Uttarakhand to a court competent to try the same at Lucknow, U.P. The respondent-husband has opposed the prayer for transfer on several grounds. What is however important is that the parties are already engaged in litigation in three other proceedings, two of which happen to be criminal cases instituted at the instance of the petitioner-wife while the third appears to be a divorce petition filed by her against the respondent-husband. All these three cases are admittedly

pending before different courts at Lucknow. It is also not in dispute that the petitioner-wife is ordinarily residing at Lucknow and so are the remaining three petitioners.

In the circumstances we see no reason to decline the prayer for transfer especially when the petitioner-wife has two minor children, aged 6 years and 8 years to look after.

We accordingly allow this petition and direct transfer of criminal complaint, Case no.1055 of 2012, titled Rajesh versus Sunita Verma and others, from the court of the Chief Judicial Magistrate, Rudrapur, Udham Singh Nagar, Uttarakhand to the Chief Judicial Magistrate, Lucknow, who may decide the case himself or transfer the same to a court competent to do so.

The Registry to transmit a copy of this order to both the courts. Records shall be sent to the transferee court forthwith.

In the light of the order passed by us, the petitioners shall withdraw from the High Court of Uttarakhand, at Nainital, the petition filed by them under Section 482 of Code of Criminal Procedure for quashing of the proceedings in the complaint in-question. The withdrawal shall not however prevent the petitioners or any one of them seeking redress in a separate petition that may be filed before the jurisdictional High Court at Lucknow.

The transfer petition is, accordingly, allowed with the above direction.

.....J.  
(T.S. THAKUR)

.....J.  
(R. BANUMATHI)

New Delhi,  
September 22, 2014.

ITEM NO.49

COURT NO.3

SECTION XVIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s) (Criminal) No(s). 75/2013

SUNITA VERMA &amp; ORS.

Petitioner(s)

VERSUS

RAJESH &amp; ANR.

Respondent(s)

(with appln. (s) for stay and office report)

Date : 22/09/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Dushyant Parasar, Adv.  
Mr. Manoj Saxena, Adv.  
Mr. Ram Krishna, Adv.  
Dr. Kailash Chand, Adv.

For Respondent(s) Mr. Rakesh Uttamchandra Upadhyay, Adv.  
Mr. Vipin Kumar Jai, Adv.

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

In terms of the signed order, the transfer petition is  
allowed.

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER

(Signed order is placed on the file)