

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
TRANSFER PETITION (CRL.) No. 75 of 2014

SUNITA VERMA & ORS.
Petitioner(s)

Pe

VERSUS

RAJESH & ANR.
Respondent(s)

R

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, Uttarakha
nd to a

U.P. court competent to try the same at Lucknow,
The

respondent-husband has opposed the prayer for transfer on

several grounds. What is however important is
that the

three parties are already engaged in litigation in t
other

proceedings, two of which happen to be crimina
l cases

Signature Not Verified

instituted at the instance of the petitioner-wife while the

Digitally signed by

Mahabir Singh

Date: 2014.10.08

16:19:58 IST

Reason:

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.

3

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

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

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

New Delhi,
September 22, 2014.

4

ITEM NO.49

COURT NO.3

SECTION XVIA

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

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

SUNITA VERMA & ORS.

Petitioner(s)

VERSUS

RAJESH & 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)