

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1926-1927/2013

DEEPMALA BHATNAGAR

APPELLANT

VERSUS

DEEPAK BHATNAGAR & ORS.

RESPONDENTS

O R D E R

1. This criminal appeal is directed against the order dated 18.05.2012 passed by the High Court of Madhya Pradesh, Principal Seat at Jabalpur, whereby Criminal Case Nos.2159/2009 and 1231/2010 were ordered to be transferred from the Court of Chief Judicial Magistrate, Chhatarpur to the Court of Chief Judicial Magistrate, Tikamgarh - both in the State of Madhya Pradesh. There was one more application, bearing MCRC No.5062/2012, which was dismissed by the High Court vide the same order with the observation that the petitioner in that case could move an application before the Magistrate for providing adequate police protection.

2. The appellant-wife and respondent no.1-husband got married on 19.02.2009. Due to certain unfortunate incidents arising out of matrimonial dispute, the appellant got FIR No.385/2009 registered at Police Station City Kotwali, Chhatarpur against her husband and his family members under Sections 498A and 184 of the

Indian Penal Code, 1860 (in short, the "IPC") and Sections 3 and 4 of the Dowry Prohibition Act, 1961. After investigation, charge-sheet was filed and the case was renumbered in the Court of Chief Judicial Magistrate, Chhatarpur as C.C. No.2159/2009.

3. Subsequently, the appellant also got FIR No.65/2010 registered against her husband and others under Sections 294, 323, and 506-B read with Section 34 of IPC. She alleged that the respondents assaulted her and threatened to kill her. This FIR was also investigated, and after filing of charge-sheet, it was renumbered as C.C. No.1231/2010 in the Court of Chief Judicial Magistrate, Chhatarpur.

4. The respondent-husband and his co-accused filed transfer petitions before the High Court, seeking transfer of the above-mentioned cases from the Court of Chief Judicial Magistrate, Chhatarpur to any other District Court. The said transfer petitions were allowed by the High Court vide the impugned order, and both the above-mentioned trials were ordered to be transferred from the Court of Chief Judicial Magistrate, Chhatarpur to the Court of Chief Judicial Magistrate, Tikamgarh.

5. The aggrieved wife, therefore, approached this Court. When the matter came up for hearing on 09.08.2012, notice was issued to the respondents and the impugned

order of the High Court was stayed.

6. As a consequence thereto, the Chief Judicial Magistrate, Chhatarpur continued to be the competent Court to proceed with the trial in both the above-mentioned criminal cases.

7. Neither learned counsel for the appellant nor learned State counsel are aware of the present status of the trial proceedings. The first respondent and his co-accused have not come forward to defend the High Court order, despite them having been duly served notice.

8. Since the impugned order of the High Court had been stayed by this Court at the earliest and such stay is operative for over the last 12 years, we are satisfied that, in the changed circumstances, there is no necessity of transferring the above-mentioned criminal cases from the Court of Chief Judicial Magistrate, Chhatarpur to the Court of Chief Judicial Magistrate, Tikamgarh. Even otherwise, the reasons assigned by the High Court are not at all convincing to justify the transfer of the subject-cases from one Court to another.

9. Consequently, but without expressing any opinion on merits of the allegations and counter allegations, the instant appeals are allowed. The impugned order of the High Court dated 18.05.2012 is set aside. Resultantly, C.C. No.2159/2009 and 1231/2010 both, if still pending,

shall be tried and adjudicated by the Court of Chief
Judicial Magistrate, Chhatarpur in accordance with law.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

New Delhi;
January 09, 2025

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

Criminal Appeal No(s).1926-1927/2013

DEEPMALA BHATNAGAR

Appellant(s)

VERSUS

DEEPAK BHATNAGAR & ORS.

Respondent(s)

Date : 09-01-2025 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Appellant(s) Mr. Umesh Babu Chaurasia, Adv.
Ms. Prity Kumari, Adv.
Ms. Manjula Chaurasia, Adv.
Mr. Maneesh Pathak, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Pashupathi Nath Razdan, AOR

Mr. Bhupendra Pratap Singh, Adv.
Mr. Sarad Kumar Singhania, AOR
Mr. Nakul Nirwan, Adv.
Mr. Rishabh Singh, Adv.
Ms. Rashmi Singhania, Adv.

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

1. The appeals are allowed in terms of the signed order.
2. All pending applications, if any, also stand disosed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR

(signed order is placed on the file)