

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 827 OF 2014
(Arising out of SLP(Crl.)No.10041 of 2011)

POOJA MALHOTRA & ORS.

Appellant(s)

VERSUS

ASHISH MALHOTRA & ORS.

Respondent(s)

WITH

Criminal Appeal No. 828 Of 2014
(Arising out of SLP(Crl) NO. 9794 of 2013)

O R D E R

Leave granted.

On the oral prayer made by learned counsel for the appellants, State of Haryana is added as party-respondent in both the appeals. Cause title be amended accordingly.

The appellants it appears have lodged FIR No.35 of 2008 dated 18.01.2008, alleging commission of offence punishable under Sections 323, 406, 498A, 506 read with 120-B of the Indian Penal Code against the respondents in Police Station, Sector 5, Panchkula. A charge-sheet has eventually been filed on 25th November, 2013 before the Judicial Magistrate, Ist Class, Panchkula in Crl. Misc. No.8527 of 2011. The appellants appear to have prayed for transfer of the said case from the court at Panchkula to the court competent to try the same at Karnal, where the aggrieved complainant wife-Pooja Malhotra currently resides. That application has been dismissed by the High Court in terms of its order dated 21st March, 2011 primarily on the ground that complainant wife-Pooja Malhotra has herself filed a petition under Section 125 of the Code of Criminal Procedure in the court at Panchkula for grant of

maintenance.

It is common ground that the maintenance case referred to by the High Court has already been transferred by us from the court of Judicial Magistrate, Ist Class, Panchkula to the court of Chief Judicial Magistrate, Karnal in terms of our Order dated 28th September, 2012. In the

circumstances and for the reasons stated in the transfer petition filed before the High Court, we see no reason why Crl. Case No.216 RBT pending before the court concerned at

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Panchkula should also not be transferred to the court of Judicial Magistrate, Karnal. We accordingly allow these appeals, set aside the orders passed by the High Court and direct transfer of the criminal case, referred to above, from the Court of Judicial Magistrate, Panchkula to the Court of Judicial Magistrate, Karnal.

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

.....J.
(C. NAGAPPAN)

NEW DELHI
DATED 04th April, 2014.

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ITEM NO.7 COURT NO.6 SECTION IIB

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

Petition(s) for Special Leave to Appeal (Cr1) No(s).10041/2011

(From the judgement and order dated 21/03/2011 in CRLM No.8527/2011, of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

POOJA MALHOTRA & ORS. Petitioner(s)

VERSUS

ASHISH MALHOTRA & ORS. Respondent(s)

(With appln(s) for stay and office report)

WITH SLP(Cr1) NO. 9794 of 2013
(With office report)

Date: 04/04/2014

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. Dharam Vir Sandhu,Adv.
Ms. S. Ramamani,Adv.

For Respondent(s) Mr. A.V. Palli,Adv.
Mr. Anupam Raina,Adv.
Mrs.Rekha Palli,AOR.

Mr. Manjit Singh,AAG
Ms. Nupur Chaudhary,Adv.
Ms. Vivekta Singh,Adv.

Ms. Purnima Bhat,Adv.

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

Leave granted.

In terms of the signed order, the appeals are
allowed:

"...In the circumstances and for the reasons stated in the
transfer petition filed before the High Court, we see no
reason why CrI. Case No.216 RBT pending before the court
concerned at Panchkula should also not be transferred to

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the court of Judicial Magistrate, Karnal. We accordingly
allow these appeals, set aside the orders passed by the
High Court and direct transfer of the criminal case,
referred to above, from the Court of Judicial Magistrate,
Panchkula to the Court of Judicial Magistrate, Karnal."

(Mahabir Singh) (Veena Khera)
Court Master Court Master
(Signed order is placed on the file)