

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL) NO.216/2023

SAROJ SHARMA & ORS.

Petitioner(s)

VERSUS

SANTOSH SHARMA

Respondent(s)

O R D E R

This is a petition filed under Section 406 of the Code of Criminal Procedure, 1973 (for short "CrPC").

The petitioner has filed this transfer petition seeking the following reliefs:

"a. transfer the Case No.DV/46/2022 titled as 'Santosh Sharma vs. Saroj Sharma & Ors' from the Hon'ble Judicial Magistrate First Class, District: Dibrugarh, Assam to the Hon'ble Court of the Chief Judicial Magistrate, Hisar, Haryana.

b. pass such other and further order as this Hon'ble Court may deem fit and proper in the circumstances of the case."

We have heard learned counsel for the petitioner and learned counsel for the respondent.

Learned counsel for the petitioner submitted that the

aforesaid case is filed not just against the petitioner herein, who is the daughter-in-law of the respondent, but also as against her family members, who are all in Hisar, Haryana whereas the case has been filed by the respondent in Dibrugarh, Assam. That this is a counter-blast to the case filed by the wife seeking maintenance and domestic violence case filed before the competent Court at Hisar, Haryana.

Learned counsel for the petitioner further submitted that the aforesaid case also may be transferred to the Chief Judicial Magistrate, Hisar, Haryana.

Learned counsel for the respondent, however, objected to the transfer by contending that the respondent would not be in a position to prosecute the aforesaid case effectively if the same is transferred.

However, we find that the interest of justice would be subserved if the aforesaid case is transferred to the Chief Judicial Magistrate, Hisar, Haryana as the other relations of the petitioner are also residing at Haryana.

In the circumstances, the respondent herein is permitted to appear either in person or through video conferencing facility in the aforesaid case before the transferee Court.

In the result, the transfer petition is allowed and disposed of in the aforesaid terms and Case No.DV/46/2022 titled as 'Santosh

Sharma vs. Saroj Sharma & Ors' pending before the Judicial Magistrate First Class, District: Dibrugarh, Assam is transferred to the Court of the Chief Judicial Magistrate, Hisar, Haryana.

Registry to communicate this order to the transferor court for taking steps in accordance with this order.

.....,J
[B.V. NAGARATHNA]

.....,J
[SANJAY KAROL]

NEW DELHI,
JANUARY 09, 2024

.....,J
[B.V. NAGARATHNA]

.....,J
[SANJAY KAROL]

NEW DELHI,
JANUARY 09, 2024

ITEM NO.2

COURT NO.12

SECTION II

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 (Criminal) No.216/2023

SAROJ SHARMA & ORS.

Petitioner(s)

VERSUS

SANTOSH SHARMA

Respondent(s)

([Mediation Report has been received]
IA No. 66245/2023 - STAY APPLICATION)

Date : 09-01-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Roopansh Purohit, AOR
Mr. Ramesh Kumar Shokeen, Adv.
Mr. Harsh Panwar, Adv.

For Respondent(s) Mr. Avijit Roy, AOR

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

The transfer petition is allowed and disposed of in terms of
the signed order.

Pending application(s), if any, shall also stand disposed of.

(KRITIKA TIWARI)
SENIOR PERSONAL ASSISTANT

(MALEKAR NAGARAJ)
COURT MASTER (NSH)

(Signed order is placed on file)