

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
TRANSFER PETITION(CRIMINAL)No.229 OF 2021

DR. RITU NEHRA

... PETITIONER

Versus

LAXMI CHANDRA & ORS.

... RESPONDENTS

WITH

TRANSFER PETITION(CRIMINAL)No.331 OF 2022

O R D E R

1. I.A.No.169359 of 2022 in TP(Cr1.)No.229/2021 has been filed by the Advocate-on-Record for respondent No.1 - Mrs. Laxmi Chandra seeking her discharge from the case.
2. The application is allowed and the learned Advocate-on-Record is discharged from the case.
3. I.A.No.70317 of 2022 in T.P.(Cr1.)No.331/2022 is also allowed and the names of respondent Nos.3 and 4 are ordered to be deleted from the array of parties at the risk and responsibility of the petitioner.
4. We, however, find that respondent No.1 in T.P. (Cr1.)No.229/2021 has not made any alternative arrangement and no other Advocate-on-Record has been engaged by her. In such circumstances, we proceed in her absence and decide the case *ex-parte* on merits.

5. These are two Transfer Petitions bearing T.P. (Cr1.)No.229/2021 and T.P.(Cr1.)No.331/2022. The petitioner, in the first case, is the daughter-in-law of respondent No.1. She was married to the respondent's son on 27.06.2020, and it appears that on account of the marital discord, the parties have filed cases against each other. The petitioner has filed two cases against her husband and his family members before the Metropolitan Magistrate, South East District, Saket Court, Delhi i.e. one Complaint Case No.6320/2020 under the Protection of Women from Domestic Violence Act, 2005 and the second for annulment of marriage i.e. H.M.A.No.505 of 2020, under Sections 11 and 12 of the Hindu Marriage Act, 1955. Respondent No.1 - mother-in-law has also filed Complaint No.91/2021 under Section 12 the Protection of Women from Domestic Violence Act, 2005 before the Court of Additional Chief Judicial Magistrate-08 Lucknow, Uttar Pradesh. The petitioner - daughter-in-law seeks transfer of the aforesaid complaint case from the Court of Additional Chief Judicial Magistrate-08 Lucknow, Uttar Pradesh to the South East Saket Court at Delhi.

6. T.P.(Cr1.)No.331 of 2022 has been filed by petitioner No.1 - wife and petitioner Nos.2 to 4, who are her parents and brother, respectively. They seek transfer of Criminal Misc. Case No.182 of 2021, titled as "Laxmi Chandra vs. Dr.Ritu Nehra & Ors.", pending before the Court of Judicial Magistrate-III, Lucknow, Uttar Pradesh to the Court of Metropolitan Magistrate, South East, Saket Court, Delhi.

7. We have heard learned counsel for the petitioner(s) and

perused the pleadings.

8. Since two cases are already pending in the Delhi Courts in which respondent No.1 and her family members have already put their appearance and the petitioner, in the first case, on account of financial constraint, is likely to face hardships in travelling to Lucknow to defend herself in the Criminal Complaint, these Transfer Petitions are allowed; Complaint No.91 of 2021, titled as "Laxmi Chandra vs. Dr.Ritu Nehra & Ors.", pending before the Court of ACJM-08, Lucknow, Uttar Pradesh and Criminal Misc. Case No.182 of 2021, titled as "Laxmi Chandra vs. Dr.Ritu Nehra & Ors.", pending before the Court of Judicial Magistrate-III, Lucknow, Uttar Pradesh are ordered to be transferred to the Court of Metropolitan Magistrate, South East, Saket Court, Delhi. The records be forwarded to the transferee court forthwith.

9. As a sequel thereto, pending interlocutory applications also stand disposed of.

.....J.
(SURYA KANT)

.....J.
(VIKRAM NATH)

NEWDELHI;
NOVEMBER 15, 2022.

ITEM NO.3

COURT NO.11

SECTION XVI-A

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).229/2021

DR. RITU NEHRA

Petitioner(s)

VERSUS

LAXMI CHANDRA & ORS.

Respondent(s)

IA No.62553/2021 - EXEMPTION FROM FILING O.T.

IA No.62552/2021 - STAY APPLICATION

WITH

T.P.(Cr1.) No. 331/2022 (XVI-A)

(FOR STAY APPLICATION ON IA 70314/2022

FOR EXEMPTION FROM FILING O.T. ON IA 70316/2022

FOR ADDITION / DELETION / MODIFICATION PARTIES ON IA 70317/2022

IA No. 70317/2022 - ADDITION / DELETION / MODIFICATION PARTIES

IA No. 70316/2022 - EXEMPTION FROM FILING O.T.

IA No. 70314/2022 - STAY APPLICATION)

Date : 15-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Ashish Garg, Adv.
Ms. Simran Bajaj, Adv.
Ms. Fauzia Shakil, Adv.

For Respondent(s) Mr. Firdouse Qutb Wani, AOR
Mr. Shadaan Qadri, Adv.

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

1. I.A.No.169359 of 2022 in TP(Cr1.)No.229/2021 has been filed by the Advocate-on-Record for respondent No.1 - Mrs. Laxmi Chandra seeking her discharge from the case.
2. The application is allowed and the learned Advocate-on-Record is discharged from the case.
3. I.A.No.70317 of 2022 in T.P.(Cr1.)No.331/2022 is also allowed and the names of respondent Nos.3 and 4 are ordered to be deleted from the array of parties at the risk and responsibility of the petitioner.

4. The Transfer Petitions are allowed in terms of the signed order. The records be forwarded to the transferee court forthwith.

5. As a sequel thereto, pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)