

**IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION**

TRANSFER PETITION (CRIMINAL) NO. 191 OF 2023

DIVYA BANSAL

PETITIONER(S)

VERSUS

VISHAL BANSAL & ORS.

RESPONDENT(S)

ORDER

1. The petitioner-wife has filed the present petition under Section 406 of the Code of Criminal Procedure, 1973 seeking transfer of a criminal complaint filed by her under Section 12(1) of the Protection of Women from Domestic Violence Act, 2005 against her husband, mother-in-law and her brother-in-law, bearing Criminal Complaint No.438 of 2018 titled "*Divya Bansal Vs. Vishal Bansal & Ors.*" pending before the Court of the Metropolitan Magistrate, Mahila Court, West, Tis Hazari Courts, Delhi to the competent Metropolitan Magistrate, District Court, Karnal, Haryana.
2. Though service of notice on the respondents is complete, no one has entered appearance on their behalf. Even today, the respondents remain unrepresented.
3. Having heard learned counsel for the petitioner and on examining the grounds taken in the transfer petition, we direct transfer of the Criminal Complaint No.438 of 2018 titled "*Divya Bansal Vs. Vishal Bansal & Ors.*" pending before the Court of Metropolitan Magistrate, Mahila Court, West, Tis Hazari Courts, Delhi to the competent Metropolitan Magistrate, District Court, Karnal, Haryana.

4. The record of the case be transferred immediately to the Transferee Court.
5. Further, liberty is granted to the respondents to move an appropriate application before the Transferee Court for permission to participate in the proceedings virtually. If such a request is made, the Transferee Court may grant such permission and direct the personal presence of the respondent-husband only when it is absolutely necessary. Further, if examination of the outstation witnesses is required and a request is made for recording the evidence through a Court Commissioner, the Transferee Court shall consider the same and pass appropriate orders.
6. The Transfer Petition is allowed on the above terms. Pending application(s), if any, shall stand disposed of.

.....**J.**
(HIMA KOHLI)

.....**J.**
(RAJESH BINDAL)

NEW DELHI;
JULY 20, 2023.

ITEM NO.5

COURT NO.14

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). 191/2023

DIVYA BANSAL

Petitioner(s)

VERSUS

VISHAL BANSAL & ORS.

Respondent(s)

(IA No.58104/2023-STAY APPLICATION)

Date : 20-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Painav Gupta, Adv.
Mr. Pardeep Gupta, Adv.
Mrs. Mansi Gupta, Adv.
Mr. Rahul Kumar Choudhary, Adv.
Dr. (Mrs.) Vipin Gupta, AOR

For Respondent(s)

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

The transfer petition is allowed in terms of
the signed order. Pending application(s), if any,
shall stand disposed of.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Nand Kishor)
Court Master(NSH)

(Signed Order is placed on the file)