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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(CRL.) 34/2013**

KAAVINDER BHATIA Petitioner

Through: Mr.Siddharth Yadav, Adv. with
petitioner in person.

versus

SHELLY BHATIA & ANR

..... Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE VEENA BIRBAL

ORDER

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19.07.2013

CRL.M.A.10539/2013 (exemption)

Allowed, subject to just exceptions.

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1. The prayer made in this petition is for transfer of the petition under Section 125 Cr.P.C. for grant of maintenance filed by the respondent no.1 against the petitioner which is pending before Ms.Vandana Jain, M.M., Karkardooma Courts, Delhi to District Courts, Rohini, Delhi.

2. Learned counsel for petitioner has submitted that petitioner and respondent no.1 got married to each other according to Hindu rites and ceremonies on 23.02.2006. One girl child, i.e. respondent no.2 was born from their wedlock. It is alleged that after marriage they had initially lived at Railway Colony, Motia Bagh, Delhi and thereafter they shifted to F-6/19, Krishna Nagar, Delhi-51 i.e. the house belonging to the deceased parents of

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respondent no.1. Petitioner has alleged that there he was beaten by the respondent no.1 and her uncle and cousin and he had reported the matter to local police over there but no action was taken due to influence of respondent no.1's uncle and his son. Learned counsel for petitioner has referred to a complaint dated 20.12.2011 made in this regard to the SHO of the police station Krishna Nagar. It is stated that respondent no.1 belongs to an influential family, as such, the petitioner apprehends danger to his life. It is stated that petition under Section 125 Cr.P.C. has been filed in Karkardooma Courts. The petitioner apprehends danger to his life in visiting the said area, as such, the petition of wife be transferred to Rohini Courts, Delhi.

3. The complaint made by the petitioner about the alleged beatings on 20.12.2011 on which he is praying for transfer of the petition filed by wife is perused. The status report filed by the police in respect of said complaint is already on record which is at page 38 of the paper book which shows that after making the complaint the petitioner did not make himself available for conducting inquiry in respect of said complaint. His mobile phone was also switched off and the matter remained pending for the purpose of inquiry from the complainant. The petition shows that thereafter the petitioner has filed a complaint before the learned M.M. wherein the police had filed the aforesaid status report. Even that complaint was withdrawn by the petitioner and did not pursue the same. In these circumstances, no case for transfer of petition is made out as it is the petitioner himself who is not making himself available in the police station. There is nothing on record to show that any other incident had taken place after the alleged incident of 20.11.2011. The

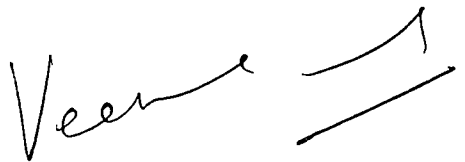
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petitioner has yet to appear before the learned M.M. where the proceedings under Section 125 Cr.P.C are pending.

In these circumstances, no case for transfer of petition is made out.

The petition is dismissed.

CRL.M.A.10538/2013 (stay)

In view of above order, no further orders are required on this application. The same stands dismissed as infructuous.


VEENA BIRBAL, J

JULY 19, 2013

srb