

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 416 of 2023

Applicant :- Smt. Nisha

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Parmeshwar Kr. Chaudhary, Neha Rajput

Counsel for Opposite Party :- G.A., Ravindra Kumar

Hon'ble Sanjay Kumar Pachori, J.

Sri Parmeshwar Kumar Chaudhary, learned counsel for the applicant, Sri Ravindra Kumar, learned counsel for the opposite party no.2 and Sri Moti Lal, learned A.G.A. for the State are present.

The present transfer application has been filed to transfer the Case No. 522 of 2022 (State vs. Kapil and another) arising out of Case Crime No. 37 of 2022, under Section 498A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, pending in the court of Civil Judge (J.D.) F.T.C.-II/Judicial Magistrate, Hapur to the competent court of District Bulandshahr.

Learned counsel for the applicant submits that the applicant is wife of opposite party no.2 and marriage was solemnized between the parties on 22.11.2021. It is further submitted that two other cases, between the parties out of matrimonial dispute being Complaint Case No. 298 of 2023, under Section 406 IPC and Case No.493 of 2023, under Section 125 Cr.P.C., are pending in the competent court of Bulandshahr Judgeship.

Learned counsel for the applicant has relied upon the judgment of **Anjali Ashok Sadhwani vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374** and **Fatema vs. Jafri Syed Husain @ Syed Parvez Jaffer, AIR 2009 SC 1773**.

Learned counsel for the opposite party nos.2 and 3 has vehemently opposed the prayer of this application.

In view of the facts and circumstances of the case, this transfer application is liable to be allowed. Accordingly, this transfer application is allowed.

The Case No. 522 of 2022 (State vs. Kapil and another) arising out of Case Crime No. 37 of 2022, under n 498A, 323, 504, 506 IPC and Section 3/4 of D.P. Act, pending in the court of Civil Judge (J.D.) F.T.C.-II/Judicial Magistrate, Hapur is transferred to the competent court of District Bulandshahr.

Let a certified copy of this order be sent to the Sessions Judge Hapur and Bulandshahr for compliance.

Order Date :- 13.10.2023

MAA/-