

Court No. - 83

Case :- TRANSFER APPLICATION (CRIMINAL) No. - 604 of 2023

Applicant :- Arti Sharma

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Amarendra Rai

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Sri Shashikant Pandey, Advocate holding brief of Sri Amarendra Rai, learned counsel for the applicant and Sri Karunakar Singh, learned learned A.G.A. for the State are present. Despite service of notice, no one has appeared on behalf of the opposite party no. 2.

The present transfer application has been filed to transfer the Complaint Case No. 868 of 2022 (Anamika Vs. Rajendra Prasad Sharma and others) under Sections 12, 18, 19, 20, 21, 22, 23, 24 & 26 of Prevention of Women from Domestic Violence Act, pending in the Court of Civil Judge (J.D.)/ F.T.C.-I, Aligarh to any other competent of Judgeship Varanasi.

Learned counsel for the applicant submits that opposite party no. 2 is mother-in-law of the applicant. It is further submitted that three other cases between the applicant and son of the opposite party no. 2 are pending in competent courts of district Judgeship Varanasi as Case No. 192490 of 2022, under Sections 498-A, 323, 504, 506 of I.P.C. and Section 3/4 of Dowry Prohibition Act; Case No. 793 of 2022, under Section 125 of Cr.P.C.; Case No. 2427 of 2022; under Section 12 of Domestic Violence Act.

Learned counsel for the applicant has relied upon the judgment of the Supreme Court in cases of **Anjali Ashok Sadhwani Vs. Ashok Kishinchand Sadhwani, AIR 2009 SC 1374** and **Fatema Vs. Jafri Syed Husain @ Syed Parvej Jafferi, AIR 2009 SC 1773**.

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

The instant transfer application is **allowed** and the Complaint Case No. 868 of 2022 (Anamika Vs. Rajendra Prasad Sharma and others) under Sections 12, 18, 19, 20, 21, 22, 23, 24 & 26 of

Prevention of Women from Domestic Violence Act, pending in the Court of Civil Judge (J.D.)/ F.T.C.-I, Aligarh is transferred to the court of district Judgeship Varanasi.

Let a certified copy of this order be immediately sent to the Sessions Judge, Aligarh and Varanasi for compliance.

Order Date :- 20.11.2023

Ishan