

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Transfer Application No. 48 of 2025

Umang Verma

.....Applicant

Versus

Anjali and Another

.....Respondents

Present:-

Mr. Mohd. Matlub, Advocate for the applicant.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

By means of the instant application under Section 447 of the Bhartiya Nagrik Suraksha Sanhita, 2023 ("the BNSS"), the applicant seeks transfer of Misc. Case No.99 of 2025, Anjali Vs. Umang Verma, pending in the court of Additional Principal Judge, Family Court, Rishikesh, District Dehradun ("the case"), to the court of Additional Principal Judge, Family Court, Roorkee, Haridwar.

2. Heard learned counsel for the applicant and perused the record.

3. The applicant and the respondent no.1 were married on 29.11.2021. They are blessed with a baby boy, who is about 2 years old now. It appears that there was a discord between their relationship. Therefore, the respondent no.1 did file a maintenance petition under Section 144 of the BNSS in the case.

4. It is the case of the applicant that the respondent no.1 is not willing to stay with the applicant. She just wants money only. The applicant has already filed objections in the case. Parties have also filed affidavits of their assets and liabilities pursuant to the judgment in the case of Rajnesh Vs. Neha and Another (2021) 2 SCC 324. In the case, on 02.12.2025, the court had passed an order directing the applicant to pay Rs. 3,000/-, per month as interim maintenance to the respondent no.1, which order was challenged in Criminal Revision No. 892 of 2025, Umang Verma Vs. Anjali and Another ("the revision"), before this Court. In the revision, the operation of the order dated

02.12.2025, passed in the case was stayed, subject to the condition that the applicant shall continue paying Rs. 2,000/-, per month, as interim maintenance to the respondents.

5. Applicant writes that he has old and aged parents to look after. Rishikesh is at about a distance of 170 Kms from Muzaffarnagar, where the applicant resides, and it is not only inconvenient, but this can be troublesome, as there is a threat perception at the hands of the respondents to the applicant.

6. Learned counsel for the applicant submits that the applicant has also filed a petition under Section 9 of Hindu Marriage Act, 1955, for Restitution of Conjugal Rights, in the court at Muzaffarnagar. He submits that Roorkee is a mid place where both the petitions may be transferred.

7. It is not a kind of making some arrangements while transferring a case. Inconvenience, convenience and comparative hardships of the parties are the factors, which are also taken into consideration. The only ground, which has been taken in the transfer application is that the applicant has threat perception at the hands of the respondent no.1 and her family members. What threat perception? Mere saying of the threat perception does not give rise any occasion to move an application for transfer on the ground of threat perception.

8. Having considered, this Court does not see any reason to transfer the cases. Accordingly, the instant transfer application deserves to be dismissed.

9. The instant transfer application is dismissed.

(Ravindra Maithani, J)

10.01.2026