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

RESERVED ON : 29th APRIL, 2015
DECIDED ON : 14th MAY, 2015

+ TR.P.(CRL.) 70/2013

LAXMI NARAYAN GUPTA & ORS

..... Petitioners

Through : Mr.Puneet Goel, Advocate.

versus

STATE & ORS

..... Respondents

Through : Ms.Aasha Tiwari, APP.

Dr.Kanwal Sapra, Advocate.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

S.P.GARG, J.

1. Present petition under Section 407 Cr.P.C. read with Section 482 Cr.P.C. has been preferred on behalf of the petitioners for transfer of FIR No.244/2011 under Section 354/323/341/34 IPC and FIR No. 259/2011 under Sections 323/325/34 IPC, registered with Police Station North Rohini to one Court for adjudication/disposal. The petition is contested by the respondents.

2. I have heard the learned counsel for the parties and have examined the record. It reveals that FIR No.244/2011 (State vs.Laxmi Narayan & Ors) under Section 354/323/341/34 IPC registered with Police Station North Rohini is pending adjudication in the court of Ms.Rachna Tiwari Lakhanpal, Ld.MM, Rohini Court and FIR No. 259/2011 (State vs. Radhey Shyam Sharma & Ors.) under Sections 323/325/34 IPC registered with Police Station North Rohini is pending adjudication before the court of Mr.Manish Gupta, Ld. ACMM, Rohini Court.

3. Undisputedly, both the FIRs arise out of the incident dated 22.08.2011. These are cross-cases registered against each of the parties. Case vide FIR No.244/2011 is stated to be pending before the Mahila Court as Section 354 IPC has been added. The other charge-sheet is pending before the learned ACMM. Since both the FIRs pertain to the same incident dated 22.08.2011 and the same police station, they require to be disposed of by one Court to avoid conflicting judgments. No prejudice would be caused to any of the parties if both the cases are tried and disposed of by one court.

4. Accordingly case vide FIR No.259/2011 registered with Police Station North Rohini Court pending before Mr.Manish Gupta or his successor court shall be transferred to the Court of Ms.Rachna Tiwari

Lakhanpal, Ld. Metropolitan Magistrate, Rohini Court or her successor court for disposal as per law.

5. The petition stands disposed of accordingly. Copy of the order be sent to the Courts concerned.

(S.P.GARG)
JUDGE

MAY 14, 2015
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