

\$~4

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

+ W.P.(CRL) 2749/2018, CRL.M.A. 32025/2018

JASPAL SINGH Petitioner

Through: Mr. S.P. Sharma, Advocate.

Versus

STATE OF UTTARAKHAND & ORS Respondents

Through: Ms. Nandita Rao, ASC for State with
SI Dhananjay Kumar, PS-Hari Nagar.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **28.09.2018**

This petition seeks quashing of FIR No. 224/18 registered under sections 420/406 IPC at Police Station, Kotwali Nagar, Dehradun, Uttarakhand. The learned Additional Standing Counsel for the State submits that since this Court does not have a supervisory jurisdiction over the subordinate Courts in other States, no such order would be necessary and that the relief sought would be at best be pursued before the Court concerned. She also relies upon the judgment of the Supreme Court in *Durgesh Sharma vs. Jayshree* in Civil Appeal No. 5857 of 2008 dated 26.09.2008, which reads as under:-

“71. In our considered opinion, where several Courts having jurisdiction are subordinate to one appellate Court, an application for transfer may be made to such appellate Court and the Court may transfer a case from one Court subordinate to it to another Court subordinate to it. Likewise, where such

Courts are subordinate to the same High Court, an application may be made and action may be taken by the High Court transferring a case from one Court subordinate to it to any other Court subordinate to that High Court. But where such Courts are subordinate to different High Courts, it is only the Supreme Court (this Court) which may pass an order of transfer. In other words, if two courts are subordinate to different High Courts, one High Court has no power, jurisdiction or authority to transfer a case pending in any court subordinate to that High Court to a Court subordinate to other High Court. It is only the Supreme Court (this Court) which may order the transfer”.

In view of the above, the petition is liable to be dismissed as not maintainable.

At this stage, the learned counsel for the petitioner submits that he would not like to pursue the matter and would like to withdraw the petition.

Accordingly, it is dismissed as withdrawn.

NAJMI WAZIRI, J.

SEPTEMBER 28, 2018/RW