

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

Date of Order: May 28, 2019

+ **CRL.M.C. 2333/2019 & Crl.M.A. 9291/2019**

SMT. RITIKA JUNEJA Petitioner

Through: Mr. M.K. Gahlaut, Advocate

Versus

STATE & ORS. Respondents

Through: Dr. M.P.Singh, Additional Public
Prosecutor for respondent No.1-
State
Mr. Harish K. Gupta & Mr. H.D.
Dhanvi, Advocates for respondents
No.2 to 4

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

Trial court vide impugned order of 3rd April, 2019 has declined petitioner's prayer for transfer of trial in FIR No. 985/2015, under Sections 498A/406/506/377/307/34 IPC, registered at police station Shalimar Bagh, Delhi to some other court by observing that efforts of the trial court to settle the matter amicably cannot be a ground to transfer the trial of this case to another court, as the genesis of this FIR case in a matrimonial discord. It is also observed in the impugned order that giving of short dates cannot be a ground to transfer trial of this case to

another court, because Supreme Court has issued time bound direction to conclude trial of this case within a year.

Petitioner's counsel submits trial court had been compelling petitioner to compromise without taking her *stridhan* and has infact called upon petitioner to give up all her claims against the accused and so, petitioner has lost faith in trial court.

On the contrary, learned counsel for respondents No.2 & 3 supports the impugned order and submits that on frivolous grounds, transfer of trial of this case is sought and so, this petition deserves dismissal.

Upon hearing and on perusal of impugned order, copy of transfer petition and Supreme Court's order of 11th February, 2019 passed in the case of parties, I find that the direction of Supreme Court is to expedite trial of this case and to preferably conclude it within one year. Trial of this case is being conducted on short dates and this cannot be a ground to transfer the case to another court. However, the golden thread which runs through all the decisions is that justice must not only be done but must also be seen to be done. The instant case does arise from a matrimonial discord and charge for attempt to murder and of committing unnatural sex has been also framed against the accused and so, in such a case, efforts for amicable settlement ought not be undertaken without consent of complainant/ aggrieved party.

Since trial court had made efforts for reconciliation during the trial of this case and has expressed views, therefore, it would be appropriate if

the trial of this case is transferred to some other court. In view of the above, impugned order is set aside with direction that trial of this case be entrusted to some other court of competent jurisdiction forthwith.

This petition and application are accordingly disposed of while not commenting on the merits of the case.

Dasti.

**(SUNIL GAUR)
JUDGE**

MAY 28, 2019

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