

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

Judgment delivered on 19.02.2020

+ TR.P.(CRL.) 44/2019

NAVEEN RAMANI & ORS.

..... Petitioner

Through Mr. L.S.Solanki, Advocate.

versus

STATE & ANR.

..... Respondents

Through Mr. Taraqng Srivastava, Ld.
APP for the State with ASI
Vijay Pal Singh PS: CWC
Nanakpura.
Mr. S.S.Ahluwalia & Mr.
Mohit, Advocate for Resp.
no. 2.

**CORAM:
HON'BLE MR. JUSTICE BRIJESH SETHI**

J U D G M E N T

BRIJESH SETHI, J.(Oral)

1. This is a transfer petition filed under Section 408 Cr.P.C. by the petitioners for transfer of case FIR No. 40/2018, U/S 498A/406/34 IPC, PS Nanakpura, titled “**State v. Naveen Ramani & Ors.**”, pending before the court of Ms. Richa Gosain Solanki, Ld. MM, Dwarka Courts, New Delhi to any other Court.

2. Ld. Counsel for the petitioners has submitted that petitioner no. 1 is the husband of respondent no. 2. He is suffering from many ailments and has been undergoing dialysis thrice a week. Petitioner no. 2 and 3 are parents (father and mother) of petitioner no. 1, aged about 73 years and 66 years respectively. It is submitted that marriage between the petitioner no. 1 and respondent no. 2 was solemnized on 19.07.2010 according to Hindu Rites and rituals. No child/issue was borne from the wedlock till date. After marriage, petitioner no. 2 started harassing the petitioners and therefore, after six months of marriage she got separated from the petitioner no. 2 and 3. It is further submitted that petitioner no. 1 had filed a divorce petition which is pending in the court of Sh. Sanjay Garg, Ld. Judge Family Court, Saket Court. Petitioner no. 2 and 3 have also filed a suit for possession and injunction, bearing no. 60/2018 against the respondent no. 2 which is also pending in Saket Court Complex, New Delhi. However, during the course of arguments, Ld. Counsel for the petitioner submitted that both these cases stand disposed of. It is further submitted that respondent no. 2 has also made a false and frivolous complaint at CAW Cell, Nanakpura and a

case FIR No. 40/2018, U/S 498A/406/34 IPC was registered at PS Nanakpura against the petitioners and a notice has been received in this regard from the court of Ms. Richa Gosain Solanki, Ld. MM, Dwarka Court. It is submitted that all the petitioners are suffering from various ailments and are incapable to travel to a distance of 20-25 kilometres from their residence. It is, therefore, prayed that case FIR bearing no. 40/2018, under Section 498A/406/34 IPC titled “State v. Naveen Ramani & Ors.” pending in the court of Ms. Richa Gosain Solanki, Ld. MM, Dwarka Courts be transferred to any other Court at Saket or Patiala House Courts.

3. Ld. Counsel for the respondent no. 2 has submitted that petitioner is working in Saket court. It is further submitted that since petitioner no. 1 has also worked at Patiala House Courts and Tis Hazari Courts and knows most of the officials posted there, therefore, great prejudice would be caused to the respondent no. 2 if the case is transferred to Saket Courts, Patiala House Courts or Tis Hazari Courts. However, respondent no. 2 is agreeable to transfer of the case to Rohini Courts or Karkardooma Courts. Ld. Counsel for the petitioners has not disputed the fact that petitioner no. 1 has

remained posted at Saket, Patiala House and Tis Hazari Courts. He however, countered the contention of Ld. Counsel for the respondent no. 2 and submitted that Rohini Courts or Karkardooma Courts are far away from the residence of petitioners and it is not possible or feasible for petitioner no. 2 and 3 to travel 20-25 kilometres per day.

4. I have heard the rival submissions. Petitioners are seeking transfer of case FIR No. 40/2018, U/S 498A/406/34 IPC, PS Nanakpura, titled **“State v. Naveen Ramani & Ors.”**, pending before the court of Ms. Richa Gosain Solanki, Ld. MM, Dwarka Courts, New Delhi to any other Court. Perusal of the record reveals that there is no allegation that petitioners are not getting fair trial or justice from the court concerned. It is, however, prayed by petitioner no. 1 that the case pending at Dwarka Courts may be transferred to any other court as he is suffering from multiple ailments and therefore unable to walk to a distance without any support.

5. Petitioner no. 2 and 3 have submitted that they are senior citizens, aged about 73 years and 66 years respectively and

suffering from various old age ailments and, therefore, it would be very difficult for them to travel to a distance of 20-25 kilometres from their residence. This court is of the view that petitioner no. 2 and 3 may request the court for their exemption on medical grounds, if so required, through their counsel and the court will no doubt consider the same in accordance with law if there is truth in their submission after examining the medical documents.

6. In view of the above discussion, I find no grounds for transfer of the case FIR No. 40/2018, U/S 498A/406/34 IPC, PS Nanakpura, titled “**State v. Naveen Ramani & Ors.**”, pending before the court of Ms. Richa Gosain Solanki, Ld. MM, Dwarka Courts, New Delhi to any other Court. The transfer petition is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

FEBRUARY 19, 2020

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