

HIGH COURT OF CHHATTISGARH, BILASPUR**TPCR No. 05 of 2021**

1. Ashish Shaw S/o Shashank Shekhar Shaw Aged About 31 Years,
2. Shashank Shekhar Shaw S/o Late Shri Panchanand Shaw Aged About 62,
3. Preeti Bala Shaw W/o Shashank Shekhar Shaw, Aged About 57 Years

All are R/o C- 11, Green Valley, Green Valley Colony, Vishal Nagar,
Puraina, Telibandha Raipur, District Raipur Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through Police Station Mahila Thana Ambikapur,
District Sarguja Chhattisgarh.
2. Preeti Gupta W/o Ashish Shah Aged About 30 Years R/o Mahamaya Road,
Ambikapur, Police Station Kotwali, Ambikapur, District Sarguja
Chhattisgarh.

---Respondents

For Petitioners	:	Mr. M.K. Jaiswal, Advocate
For Respondent No.1	:	Mr. Wasim Miyaz, PL
For Respondent No.2	:	Mr. Swajeet Singh Ubeja, Advocate

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

08/12/2021

1. This transfer petition has been preferred under Section 407 of the Code of Criminal Procedure (for short 'the Cr.P.C) to transfer the Criminal Case No. 1015/2020 (State of Chhattisgarh v. Ashish Shaw and Others) pending in the Court of JMFC, Ambikapur to the Court of JMFC, Raipur.

2. Brief facts of the case are that the complainant/respondent No.2 lodged a report at Mahila Police Station, Ambikapur against the petitioners herein and the said police Station registered the case as crime No. 01/2020 under Section 498-A read with section 34 of the IPC. After completion of investigation, a charge-sheet was filed before JMFC, Ambikpur and the case is pending before the said Court.
3. Counsel for the petitioners submits that the petitioners are permanent residents of Raipur, therefore, the case ought to have been registered at the matrimonial house of the Complainant i.e. Raipur which has wrongly been registered at Ambikapur. He further submits that a false case has been made out against the petitioners. The petitioners have already been enlarged on bail. Petitioner nos. 2 & 3 are old aged persons and they are facing difficulties while traveling from Raipur to Ambikapur which is at a distance of about 400 Km, therefore, the case may be transferred to Raipur Court.
4. Counsel appearing for the respondents oppose the submissions made by the counsel for the petitioners and submit that the complainant/respondent No. 2 had also preferred a Transfer Petition bearing TPC No. 02/2020 before this Court. The said petition has been allowed vide order dated 26/08/2020 and the Civil Suit no. 1045/2019 has been transferred from the Court of Family Court, Raipur to the Family Court, Ambikapur. They emphasize that the petitioners have no genuine ground to transfer the case from Ambikapur to Raipur and pray to dismiss this petition.

5. I have heard counsel for the parties and perused the case.
6. After going through the facts and circumstances of the case, considering the convenience of the parties and the grounds raised by the petitioners, this Court is of the opinion that no genuine difficulty has been pointed out by the petitioners to transfer the case from the Court of Ambikapur to the Court of Raipur and the petition has no substance.
7. Consequently, the petition is liable to be and is hereby dismissed at motion stage itself.

Sd/-
(Deepak Kumar Tiwari)
Judge