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

+ **TR.P.(CRL.) 121/2023**

PARVINDER SINGH & ANR

..... Petitioners

Through: Mr. Ranjit Singh and Mr. Shiv
Kumar, Advocates

versus

THE STATE AND ANR

..... Respondents

Through: Ms. Shubhi Gupta, APP for State with
SI Wormichon, PS CWC Nanak Pura.
Mr. Dhruv Bhagat, Advocate for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

09.01.2024

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1. This Transfer Petition has been filed under Section 407 read with Section 482 Cr.P.C. seeking transfer of Criminal Case bearing No. 1531/2023, emanating from FIR No. 53/2021 dated 02.12.2021 registered under Sections 498A/406/34 IPC at P.S. Nanak Pura, Delhi, on the complaint of Respondent No.2, namely, Smt. Harveen Kaur titled *State v. Parvinder Singh and Ors.*, pending before Ms. Deepika Goyal Shokeen, MM, South-West District, Dwarka Courts, New Delhi to learned MM, Saket District Courts, Delhi.

2. It is the case of the Petitioners that marriage between Petitioner No.1 and Respondent No.2 was solemnized on 07.11.2004 and out of the wedlock, a male child was born on 01.05.2007, who is in the care and custody of Respondent No.2. Parties have been residing separately since 28.07.2020. Respondent No.2 filed an application under Section 12 of the



Protection of Women from Domestic Violence Act, 2005 against the Petitioners in Saket District Court, bearing CC No.1059/2021. Petitioner No.1 has filed a divorce petition against Respondent No.2 bearing HMA No.1008/2020 under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, which is pending in the Court of Sh. Paramjeet Singh, Judge, Family Court, South District, Saket Courts, Delhi. Respondent No.2 also lodged a complaint before the Crime against Women Cell and FIR No.53/2021 has been registered, which is pending trial, as aforementioned before the learned MM, South-West District, Dwarka Courts, New Delhi.

3. Petitioners seek transfer on the ground that the parties in criminal cases pending in both Courts are the same and it would be in the interest of justice as well as convenient to all the parties and the witnesses if the cases are taken up in Saket District Courts. This would also lead to expeditious disposal of all the cases. Additionally, it is urged that Petitioner no. 2 is 71 years of age and does not keep good health and therefore, is not a position to defend and contest the cases in two different District Courts.

4. Learned counsel for Respondent No.2/Complainant in FIR No. 53/2021, fairly and candidly, on instructions, submits that Complainant has no objection to the present petition being allowed. Learned APP for the State also supports the plea canvassed by the Petitioners that it would be in the interest of the parties and expeditious disposal of the cases that all cases pending between the parties are tried and disposed of before one District Court.

5. Having heard learned counsels for the Petitioners, Respondent No.2 and the learned APP, Criminal Case bearing No.1531/2023, emanating from FIR No.53/2021, pending before the Court of Ms. Deepika Goyal Shokeen,



MM, South-West District, Dwarka Courts, New Delhi is transferred to South District, Saket Courts, Delhi. It is further directed that the matter will be listed before the learned CMM (South), Saket Courts, Delhi on 22.01.2024 for allocating the case to the concerned MM. Parties will appear before the learned CMM on the said date.

6. Petition is allowed and disposed of.

7. Copies of this order shall be sent to the learned CMM (South), Saket Courts, Delhi as well as to the learned MM, South-West District, Dwarka Courts, New Delhi, for information and compliance.

JYOTI SINGH, J

JANUARY 09, 2024/akc