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

+ **TR.P.(CRL.) 75/2024, CRL.M.As. 21113-21114/2024**

KOMAL KUMARI

.....Petitioner

Through: **Mr.Krishan Murari and Mr.Ram
Naresh, Advts.**

versus

THE STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: **Mr.Satish Kumar, APP for the
State .**

**Mr.Prateek Singh, Mr.Shahrukh
Ahmad, Ms.Niharika Dhir, Mr.Ziaul
Haq Ansari and ms.Zoha Aslam,
Advts. for R-2.**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
22.07.2024

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1. The present petition has been filed under section 407 read with section 482 Cr.P.C, 1973, seeking transfer of criminal complaint CT case No. 200812022 Dated 09.11.2022 titled as *Pushpendra Singh vs. Pooja Verma & Anr.* under Section 500 IPC read with Section 120B IPC pending before Ld. MM, Saket Court, South East District, New Delhi to the District and Session Court Judge, Patiala House Court, New Delhi.
2. The brief facts of *Pushpendra Singh vs. Pooja Verma & Anr* are that the Complainant (Respondent No.2) operates luxury salons under the name "Galantry Salon & Academy" at multiple locations in Delhi &



NCR. The complaint describes various alleged illegal activities committed by two former employees, referred to as Accused No. 1 and Accused No. 2 (Petitioner herein), who worked at the salon located in Crown Interior Mall, Faridabad. Petitioner herein was employed from 22.11.2022 to 04.05.2022. Petitioner left the salon abruptly, citing health issues. The Complainant warned the employees against illegal activities but took no action initially due to a lack of evidence. The Complainant called the police, and during questioning, Accused No. 1 admitted to the embezzlement along with Accused No. 2 (petitioner) and other employees. The Complainant sought to proceed against Accused No. 2 (petitioner) and provided details of clients who made payments to the accused's UPI accounts to the Investigating Officer (IO). Accused No. 2(Petitioner) also posted defamatory tweets, which were similar to those of Accused No. 1, indicating a conspiracy.

3. Learned counsel for the petitioner submits that the Petitioner was employed as a beautician by the respondent at his salon in Faridabad starting 22.11.2021. The wife of the respondent is a Judicial Officer in Saket Court. It has been submitted that the Petitioner revealed to the respondent her ongoing matrimonial dispute and lack of financial support. The respondent initially assured help but later subjected the petitioner to sexual harassment, threats, and coercion. Petitioner left her job due to persistent harassment, with other employees also leaving under similar circumstances. The Petitioner faced threats from the respondent involving police, who allegedly sided and favoured with the respondent. The Petitioner filed multiple complaints regarding sexual harassment and threats, including a formal complaint to DCP South-



East Delhi and a public tweet tagging various officials.

4. In the transfer petition, the petitioner alleges bias of the Learned Judge at Saket Court due to the relationship with the Respondent and his judicial officer wife. Allegations include improper marking of complainant's appearance, biased orders, and procedural irregularities. The petitioner alleged that the learned MM. Sh. Raghav Sharma and complainant/respondent No. 02 are resident of same society in Faridabad. It has further been submitted that the complainant was not present on 20.04.2024 but Ld.MM Raghav Sharma Marked the appearance of Complainant. Learned counsel submits that vide order dated 22.02.2024, learned MM dismissed exemption application on medical ground and issued BW against Petitioner without taking into account medical condition. The petitioner alleges that learned MM Shikha Chahal of Saket court is wife of Complainant and it creates strong apprehension that complainant is able to influence the fair and impartial trial in Saket court and in any subordinate court in Delhi. The petitioner has gone to the extent of alleging tampering of Judicial record. It has also been alleged that jurisdiction has falsely been created.
5. The court at the outset is of the considered opinion that allegations levelled are totally baseless and frivolous. Learned counsel even during submissions failed to substantiate any of the allegations. It is a settled proposition that there has to be reasonable apprehension of bias. If such an apprehension is on whims, the case should not be transferred.
6. In the case ***Gurcharan Dass Chadha Vs. State of Rajasthan; AIR 1966 SC 1418*** it has inter alia been held that a case is transferred if



there is a reasonable apprehension on the part of a party to a case that justice will not be done. It was ruled that the apprehension must not only be entertained but must appear to the court to be a reasonable apprehension. Clearly, thus, merely entertaining apprehension that justice will not be done to him is not good enough for transfer of a case from one court to another unless such apprehension is a reasonable one and it is for the court dealing with transfer petition to see if there exists a reasonable apprehension of petitioner not getting justice. In this case it is noticed that even though the petitioner may have had his own reasons to be apprehensive of not getting justice before the learned Trial Judge, such apprehension for the reasons already stated would appear to be not a reasonable one. Directing transfer of a case from a particular court on the ground of prejudice or bias on the part of the Judge of such court, may amount to serious reflection on judicial conduct of such a Judge and thus fraught with demoralising effect. The transfer of a case, therefore, on such a ground must be visited with utmost circumspection though certainly not at the cost of denial of a fair trial to the person concerned. The case on hand presents a scenario where the petitioner's apprehension of not getting a fair trial before the learned Special Judge concerned, is found to be not a reasonable one. It has been held that consequently, the petition must fail and the same is accordingly dismissed.

7. There are no merits in the contentions of the Petitioner. The averments made in the petition and by learned counsel seek to be totally unfounded. Transferring the case on such grounds may demoralise the



judiciary. The apprehensions are not reasonable enough to transfer the case.

8. The instant transfer petition along with all the pending applications is dismissed.

DINESH KUMAR SHARMA, J

JULY 22, 2024

rb/dg...