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

+ **TR.P.(CRL.) 96/2024**

KRISHNA

.....Petitioner

Through: Mr.Dharmeshwar Tripathi, Advocate
(Through VC)

versus

STATE OF GNCTD AND ANR

.....Respondents

Through: Ms.Kiran Bairwa, APP for the State
alongwith SI Vijay Pal Singh, P.S.-
CWC Nanak Pura
Mr.M.Hasibuddin, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

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14.11.2024

CRL.M.A. 28598/2024 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

TR.P.(CRL.) 96/2024 & CRL.M.A. 28597/2024 (Stay)

1. The instant petition under Section 447 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the petitioner seeking the following reliefs:-

“a) Allow the present petition and transfer the proceedings emanating from complaint case bearing no 467274/2016 registered under Sections 12, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act against the Respondent No. 2 to 6, titled as ‘Krishna Vs Deepak and Ors.’ pending adjudication before the court of Ms. Chakita Srivastava, Ld. MM, South, Saket Courts, New Delhi, to the court of



Ms. Abhilasha Singh, Ld. MM, Dwarka Courts, New Delhi or to any other similarly placed court having the powers of Mahila Court in Dwarka District Court, New Delhi.

b) Pass any other order as this Hon'ble Court may deem fit and proper in the interest of justice equity."

2. Learned counsel appearing on behalf of the respondent No.2 submitted that the case may not be transferred as the respondent No.2 to 5 in the complaint filed by the petitioner, who are ladies, shall suffer on account of this transfer as they are residing in Madangir, which is close to Saket Courts. It is further submitted that the mother of the respondent No.2 may be exempted from appearance.

3. Learned counsel appearing on behalf of the petitioner submitted that earlier the petitioner was residing in Madangir, but now, has shifted to Dwarka. It is further submitted the cases under Section 125 of Cr.P.C and under Sections 406/498A of IPC are also pending in Dwarka Courts.

4. This Court has considered the submissions made by learned counsel for the parties. In such type of cases, the Court while exercising the jurisdiction of transfer takes into account the convenience of the wife. The wife of the petitioner who is also having a child is stated to be shifted her residence to Dwarka.

5. Therefore, in the interest of justice, complaint case bearing no. 467274/2016 registered under Sections 12, 18, 19, 20, 21 and 22 of the Protection of Women from Domestic Violence Act, titled as 'Krishna Vs Deepak and Ors.' is withdrawn from the Court of learned MM, South, Saket Courts, New Delhi and is hereby transferred to the Court of learned MM, South-West District, Dwarka Courts. The parties are directed to appear



before the learned Principal District and Sessions Judge, Dwarka, after 15 days.

6. The transferee Court is directed to send the entire record to the Court of learned Principal District and Sessions Judge, South-West, Dwarka. It is directed that learned Principal District and Sessions Judge, South-West, Dwarka shall assign the case to the Court of competent jurisdiction. The respondent No.2 is also at liberty to move an appropriate application *qua* exemption of appearance of the mother of the respondent No.2 before the learned Trial Court. The learned Trial Court is requested to consider the same in accordance with law.

7. With the aforesaid directions, the petition alongwith pending application stands disposed of.

DINESH KUMAR SHARMA, J

NOVEMBER 14, 2024

Dy/ht..