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

\# **CNR No. DLHC010226292026**

\+ TR.P.(CRL.) 46/2026

JATIN ARORA .....Petitioner

Through: Mr. Sahil Vij and Mr. Puneet Jindal, Advocates.

versus

THE STATE OF NCT OF DELHI .....Respondent

Through: Mr. Tarang Srivasta, APP for the State with Mr. Abhay Sahni, Advocate.
SI Rohit, PS Uttam Nagar.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 29.10.2026

CRL.M.A. 33817/2026 (*early hearing*)

1. This is an application filed under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking early hearing of the present petition.

2. For the reasons stated in the application, the early hearing is allowed and the petition is up on board today itself.

3. The application is disposed of.

TR.P.(CRL.) 46/2026

4. The present petition under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [“BNSS”] (erstwhile Section 407 of the Code of Criminal Procedure, 1973) seeks transfer of Sessions Case No. SC/57599/2016, arising out of FIR No. 295/2015 registered at P.S. Uttam Nagar under Sections 498A/307/302/34 IPC, from the Court of the

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Additional Sessions Judge, West District, Tis Hazari Courts, Delhi, to the competent Court at Dwarka Courts, New Delhi.

5. The Petitioner seeks transfer principally on the ground that Complaint Case No. 6150/2019, arising from the same matrimonial dispute, is pending before the concerned Magistrate at Dwarka Courts. It is contended that the two proceedings involve interconnected facts and allegations, and their adjudication within the same judicial district would avoid conflicting findings. The Petitioner further relies upon the subsequent change in territorial jurisdiction of the court in respect of P.S. Uttam Nagar from Tis Hazari Courts to Dwarka Courts.

6. The Court has considered the grounds urged and perused the material on record. The two proceedings, although stated to arise from the same matrimonial dispute, differ materially in their nature and stage. The present Sessions Case arises from FIR No. 295/2015, registered under Sections 498A/307/302/34 IPC, involving allegations of matrimonial cruelty, including dowry-related harassment, and serious offences against life. It has been pending before the Sessions Court at Tis Hazari since 2015, with the trial having progressed to the stage of prosecution evidence. In contrast, Complaint Case No. 6150/2019 is a private complaint instituted by the Petitioner under Section 200 CrPC before the Magistrate at Dwarka Courts. The Petitioner has not placed a copy of this complaint on record to establish any substantial overlap in the allegations or evidence. The mere fact that both proceedings arise from the same matrimonial dispute is insufficient to warrant transfer of a Sessions Case pending before the competent Court for over a decade, particularly when the proceedings are at different stages.

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7. In ***Nahar Singh Yadav v. Union of India***,[1] the Supreme Court emphasised that the power to transfer a criminal trial must be exercised cautiously, having regard to the circumstances of each case and the interests of justice. Applying this principle, the Court finds that the Petitioner has not demonstrated any prejudice arising from the continuation of the proceedings before their respective Courts. Nor has any compelling circumstance been shown to warrant interference with the ongoing trial merely to secure adjudication of the two proceedings within the same judicial district.

8. As regards the Petitioner's contention that P.S. Uttam Nagar now falls within the territorial jurisdiction of Dwarka Courts, reference may be made to Notification No. F.1/3/2013-Judl./P.F./Suptlaw/671-683 dated 19th July, 2016, issued upon the reorganisation of judicial districts in Delhi. The notification expressly provides that criminal cases relating to P.S. Uttam Nagar already pending before the Sessions Courts at Tis Hazari shall not be transferred to Dwarka Courts. Since the present Sessions Case was instituted in 2015 and was already pending at Tis Hazari when the notification was issued, it is covered by this stipulation. The subsequent change in territorial jurisdiction, therefore, does not warrant its transfer.

9. For the foregoing reasons, the Court finds no sufficient ground to exercise its jurisdiction under Section 447 of the BNSS. The petition is accordingly dismissed, along with all pending applications, if any.

SANJEEV NARULA, J

OCTOBER 29, 2026/*ng*

[1] (2011) 1 SCC 307.

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