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

% ***Date of Decision: 12.10.2026***

\# **CNR No.DLHC010492632026**

\+ **TR.P.(CRL.) 92/2026**

SMT SHOBHA VIJENDER .....Petitioner

Through: Mr. Pankaj Kapoor, Mr. Nikhil Bahri, Mr. Abhishek Kaushik, Mr. Shikhar Singh and Mr. Sanchit Batra, Advocates.

versus

THE STATE NCT OF DELHI AND ANR .....Respondents

Through: Mr. Hemant Mehla, APP for the State along with Mr. Mayank Choudhary and Mr. Mohd. Naved, Advocates.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

1. The present petition has been filed by the petitioner seeking transfer of Complaint Case No. 4512/2016, titled as "*Shobha Vijender Vs. Rajesh Garg*" pending before learned JMFC, North District, Rohini Courts, Delhi to Principal District and Sessions, Judge, Rouse Avenue Courts, Delhi.

2. The petitioner invokes Section 447 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter "*BNSS*"). The complaint arises from an alleged incident that occurred on 04.01.2014 at the Maharana Pratap Community Centre of the Municipal Corporation of Delhi.

3. The petitioner, the Founder President of an NGO, namely Sampurna, alleges that the respondent no.2 came to the said Centre with around 200-

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250 persons, abused and intimidated the female volunteers of the NGO and thereafter, forcibly entered its office and confined its staff.

4. The complaint invokes, *inter alia*, sections 143, 147, 323, 342, 354, 34 & 506 of the Indian Penal Code ("IPC"). The petitioner states that the respondent no.2 was an elected Member of the Legislative Assembly of Delhi on the date of the incident. The same has been clearly averred in paragraph 5 of the present petition.

5. The order dated 07.07.2025 passed by the learned JMFC, North District, Rohini Courts, Delhi notes the following:

(i) By order dated 12.02.2025, the learned JMFC took the view that the case does not pertain to its jurisdiction because respondent no.2 was an MLA on the date of the alleged incident;

(ii) The matter was therefore placed before the learned CJM, North District for transfer. It was returned on 19.02.2025 with the observation that the learned CJM, North District does not have the power to transfer the matter to another district;

(iii) The order further states that "both the parties are directed to take steps for seeking transfer of the present matter to Rouse Avenue Courts, Delhi."

6. In view of the position set out in the said order dated 07.07.2025, this Court finds no impediment in allowing the present petition. The power to transfer a case from a Criminal Court subordinate to it, to another Court of equal or superior jurisdiction, vests in this Court under Section 447 of the BNSS. As noticed, *vide* order dated 07.07.2025, the respondent no.2 was himself directed to take steps for transfer of the present matter. No prejudice can be said to be caused to him by the matter being placed before the

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appropriate Court. The petition is, accordingly, allowed.

7. Accordingly, CC No.4512/2016, pending before the learned JMFC, North District, Rohini Courts, Delhi is transferred to Principal District and Sessions Judge, Rouse Avenue Courts, Delhi.

8. The record of the aforesaid complaint case shall be transmitted to the learned Principal District & Sessions Judge, Rouse Avenue Courts, Delhi, within a period of four weeks from today.

9. Let a copy of this order be sent to learned JMFC, North District, Rohini Courts and Principal District and Sessions Judge, Rouse Avenue Courts, Delhi.

SACHIN DATTA, J

OCTOBER 12, 2026/*at/ka*

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