

IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION(S)(CRIMINAL) NO(S). 358/2020

NISHA KHAN

PETITIONER(S)

VERSUS

MOHD. ARIF SHABBIR KHAN & ORS.

RESPONDENT(S)

O R D E R

The present petition has been filed by the petitioner-wife seeking transfer of RCC No.1462/2019 arising out of C.R.No.I-188/2018 (subject-case) pending before the learned Civil Judge, JMFC, Ulhasnagar, Thane, Mumbai, Maharashtra to the competent Court of learned JMFC, District and Sessions Court, Gwalior, Madhya Pradesh.

Heard learned counsel for the petitioner and the respondents.

The petitioner-wife is seeking to transfer a criminal case initiated by her under the provisions of Section 498A read with Section 506 and Section 34 of the Indian Penal Code. Four members of respondent-husband's family, who are also respondents in this proceeding, have been arraigned as accused in that case. They are all residents of Mumbai. The offences in respect of which the FIR has been registered is also alleged to have taken place in Mumbai.

In such circumstances, we decline to transfer the subject-case as prayed for by the petitioner. We are of the opinion, however, that in the event the petitioner-wife wants to participate in the proceedings through virtual mode, the concerned Court shall permit

her to do so unless exceptional situations arise requiring her personal appearance before the Court.

Pending application(s), if any, shall stand disposed of.

.....J.  
[ANIRUDDHA BOSE]

.....J.  
[SUDHANSHU DHULIA]

New Delhi;  
March 29, 2023.

ITEM NO.2

COURT NO.11

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

TRANSFER PETITION(S)(CRIMINAL) NO(S). 358/2020

NISHA KHAN

PETITIONER(S)

VERSUS

MOHD. ARIF SHABBIR KHAN &amp; ORS.

RESPONDENT(S)

( IA No. 119484/2020 - EX-PARTE STAY & IA No. 119485/2020 -  
EXEMPTION FROM FILING O.T.)

Date : 29-03-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Fuzail Ahmad Ayyubi, AOR  
Ms. Akanksha Rai, Adv.

For Respondent(s) Mr. Shishir Kumar Saxena, Adv.  
Mr. R N Pareek, Adv.  
Mr. Brijendra Singh, Adv.  
Mr. Sachin Pahwa, Adv.

Mr. Shrirang B.Verma, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya A Pande, AOR  
Mr. Bharat Bagla, Adv.  
Mr. Sourav Singh, Adv.

Mr. Sachin Patil, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The Transfer Petition is declined in terms of the signed order, which is placed on the file.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)  
COURT MASTER (SH)

(VIDYA NEGI)  
ASSISTANT REGISTRAR