

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
TRANSFER PETITION(CRIMINAL) NO. 94 OF 2020

MR. SAGAR D. KHATIK

Petitioner(s)

VERSUS

PARMESHWAR & OTHERS

Respondent(s)

O R D E R

Heard the learned counsel for the parties at length.

This petition has been filed seeking transfer of D.B. Habeas Corpus Petition No. 117 of 2019, titled as "*Parmeshwar vs. State of Rajasthan & Others*" filed by the Respondent No. 1 under Article 226 of the Constitution of India seeking relief in the nature of habeas corpus before the High Court of Rajasthan at Jodhpur.

The transfer is sought to the High Court of Judicature at Bombay on the ground that the girl Ms. Lalita Sagar and the boy Mr. Sagar D. Khatik were residing in Mumbai, Maharashtra in the year 2017-18 and they became friends. Later, they fell in love and got married. The said marriage was an inter-caste. The family members of the girl have not accepted the said marriage and therefore, filed a writ petition under Article 226 of the Constitution of India, which was in the nature of habeas corpus, wherein the High Court of Rajasthan passed orders directing presence of the girl.

This Court in Transfer Petition(Criminal) No. 94 of 2020 on 18.02.2020 passed the order with following observations :-

"The allegations made in the Habeas Corpus Petition are that the daughter of Parmeshwar-Respondent No.1 Mrs. Lalita Sagar has been kept in illegal detention by the Petitioner Sagar D. Khatik. The daughter Lalita Sagar has appeared in person before us and she has also produced her Aadhar Card, copy of which has been kept on record. She has made a statement before us that she is an adult. Her date of birth is 21st October, 1999. We have asked her where she wants to go. She has stated that she wants to reside with her husband Mr. Sagar D. Khatik to whom she has married out of her own choice.

We find from the record that the Rajasthan High Court itself had ordered the police authorities in Bombay to ascertain the wishes of the daughter Ms. Lalita Sagar and the High Court itself records that before the Police authorities in Bombay atleast on two occasions Lalita Sagar had clearly stated that she did not want to go Rajasthan and wants to stay with her husband to whom she voluntarily married. Despite this statement, the High Court insisted on the production of Ms. Lalita Sagar before the High Court the petitioner and his wife who are present before us, apprehend of danger to their life if they go to Rajasthan.

In view of the statement made by Mrs. Lalita Sagar, we issue notice.

In the meantime, there shall be stay of further proceedings in D.B. Habeas Corpus Petition No. 117 of 2019 titled as Parmeshwar vs. State of Rajasthan & Ors. Pending before the High Court of Rajasthan at Jodhpur."

The State of Rajasthan has filed its counter affidavit and the learned counsel representing the State, has stated across the Bar that looking into the facts and circumstances of the case and the cases of honor killing prevalent in the State, the case bearing D.B. Habeas Corpus Petition No. 117 of 2019, may be transferred to the State of Maharashtra.

The learned counsel appearing on behalf of the Respondent No. 2 has stated that they have no objection and the Court may pass appropriate orders as deemed fit in the matter.

Considering the aforesaid, the Transfer Petition is allowed and the D.B. Habeas Corpus Petition No. 117 of 2019 pending in the Rajasthan High Court Court be transferred to Bombay High Court, for adjudication.

A copy of this order be sent to the Registry of the High Court of Rajasthan and the Bombay High Court to do the needful, and transfer the records pertaining to D.B. Habeas Corpus Petition No. 117 of 2019, forthwith, to the Registry of the Bombay High Court.

Pending applications, if any, stand disposed of.

..... J.
[J.K. MAHESHWARI]

New Delhi;
September 20, 2021.

