

**IN THE SUPREME COURT OF INDIA**

**CRIMINAL ORIGINAL JURISDICTION**

**TRANSFER PETITION (CRIMINAL) NO. 60 OF 2020**

**ASHOK KUMAR CHADHA**

**...Petitioner**

**VERSUS**

**THE STATE OF UTTAR PRADESH & ANR.**

**...Respondents**

**O R D E R**

**Heard the petitioner appearing in person and learned counsel appearing for the first respondent.**

**The Petitioner lodged a first information report (FIR) against the second respondent alleging commission of offences punishable under Sections 498A and 323 of Indian Penal Code as well as Sections 3 and 4 of the Dowry Prohibition Act, 1961. It is pointed out that the prosecution based on the said first information report (FIR) is pending in the competent Court at Ghaziabad in Uttar Pradesh. The petitioner has pointed out that the second respondent has filed a petition for divorce against the petitioner's daughter which is pending in the Family Court (West Dwarka Court, Delhi). He has also pointed out that two other proceedings namely a petition filed under Section 125 of the Code of Criminal Procedure, 1973 by the petitioner's daughter and a complaint under Section 12 of the Protection of Women from Domestic Violence Act,**

2005 are also pending in Dwarka Court Complex, Delhi.

The petitioner pointed out that the place of residence of the petitioner and his daughter is in Delhi and the Court at Ghaziabad is about 120 kilometers from their place of residence. He pointed out that the petitioner's daughter has a small child and it is not possible for his daughter to visit Ghaziabad for giving instructions and assisting the prosecution.

The learned counsel appearing for the first respondent-State of Uttar Pradesh has submitted to the order of the Court. The second respondent is not represented though served.

Thus, it appears that there are three proceedings pending in the Courts at Dwarka in New Delhi to which the petitioner's daughter and the second respondent are parties. In fact the second respondent himself has filed the petition for divorce in the competent Family Court, Dwarka in New Delhi.

Hence, a case is made out for transfer of the criminal case.

Accordingly, the transfer petition is allowed. Case No.4031061 of 2018 titled as State government of Uttar Pradesh Vs. Sudhir Chabra pending in the Court of the Chief Judicial Magistrate, Ghaziabad, Uttar Pradesh is hereby transferred to the Court of the Competent Magistrate in Dwarka Court Complex at New Delhi.

.....J

[ABHAY S. OKA]

NEW DELHI

12<sup>th</sup> NOVEMBER 2021

ITEM NO.48 Court 14 (Video Conferencing)

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.60/2020

ASHOK KUMAR CHADHA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

IA No. 9309/2020 - EXEMPTION FROM FILING O.T.

IA No. 10468/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON

Date : 12-11-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. Sarvesh Singh Baghel, AOR  
Mr. Dhawal Uniyal, Adv.

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

Transfer petition is allowed in terms of the signed order.

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

(SUMIT KUMAR)  
SENIOR PERSONAL ASSISTANT

(MALEKAR NAGARAJ)  
BRANCH OFFICER

(Signed order is placed on the file)