

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

Transfer Petition(Criminal) No.268/2021

MITALLI CHANDOLA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

WITH

T.P.(Cr1.) No. 269/2021, T.P.(Cr1.) No. 271/2021, T.P.(Cr1.) No. 270/2021, T.P.(Cr1.) No. 240/2021, T.P.(Cr1.) No. 272/2021, T.P.(Cr1.) No. 273/2021, T.P.(Cr1.) No. 274/2021 & T.P.(Cr1.) No. 275/2021

O R D E R

Transfer Petition(Cr1.) No.274/2021:-

1. Learned counsel appearing for the State of Uttar Pradesh, on instructions, states that trial of the case sought to be transferred has already been decided on merits on 25-9-2020 by the Trial Court.

2. In view of the said statement made by learned counsel for the State, the Transfer Petition is disposed of as infructuous.

WITH

T.P. (Cr1.) No.268/2021, T.P.(Cr1.) No. 269/2021, T.P.(Cr1.) No. 271/2021, T.P.(Cr1.) No. 270/2021, T.P.(Cr1.) No. 240/2021, T.P.(Cr1.) No. 272/2021, T.P.(Cr1.) No. 273/2021 & T.P.(Cr1.) No. 275/2021

1. This Order shall allow the afore-stated Transfer Petitions.

2. These Transfer Petitions have been filed by the petitioner, wife of Respondent No. 2 *inter alia* seeking the transfer of the

following cases, pending in different Courts at Gautam Budh Nagar, Uttar Pradesh to the Courts of competent jurisdiction at Patiala House Courts, New Delhi:-

(i) Criminal Case No. 447/2011 arising out of F.I.R. No. 376/2011, dated 05.07.2011, PS Kasna, District Gautam Buddh Nagar, Uttar Pradesh pending before the Ld. ACJM-III, Gautam Buddh Nagar, Uttar Pradesh (titled as State versus Daljeet Singh) to the Competent Court at New Delhi (Patiala House Courts) having jurisdiction to try the said Petition;

(ii) Criminal Case No.34/2013 arising out of F.I.R. No. 31/2013, dated 17.01.2013, PS: Kasna, District Gautam Buddh Nagar, Uttar Pradesh pending before the Ld. ACJM-02, Gautam Buddh Nagar, Uttar Pradesh (titled as State versus Daljeet Singh & Anr.) to the Competent Court at New Delhi (Patiala House Courts) having jurisdiction to try the said Petition;

(iii) Criminal Case No.517/2016 arising out of FIR in Crime No. 517/2016, dated 26.07.2016, PS Kasna, District Gautam Buddh Nagar, Uttar Pradesh pending before the Ld. ACJM-02, Gautam Buddh Nagar, Uttar Pradesh (titled as State versus Daljeet Singh) to the Competent Court at New Delhi (Patiala House Courts) having jurisdiction to try the said Petition;

(iv) Criminal Case no. 802/2010 arising out of F.I.R. No. 65/2010, date: 24.07.2010, PS Kasna, District Gautam Buddh Nagar, Uttar Pradesh pending before the Ld. Judicial Magistrate, Gautam Budh Nagar, Uttar Pradesh (titled as State versus Daljeet Singh) to the Competent Court at New Delhi (Patiala House Courts) having jurisdiction to try the said Petition;

(v) Criminal Case No. 685/2010 arising out of FIR No. 510/2010 dated 22-06-2010, PS Kasna, District Gautam Buddh Nagar, Uttar Pradesh before the Court of Ld. ACJM-02, Gautam Buddh Nagar, Uttar Pradesh, titled as "State Versus Daljeet" to the Competent Court at New Delhi (Patiala House Courts) having jurisdiction to try the said Petition;

(vi) Criminal Case No. 1602094 of 2012 arising out of F.I.R. 120/2012, dated 11.02.2012, PS Kasna, District Gautam Buddh Nagar, Uttar Pradesh pending before the Ld. Judicial Magistrate, Gautam Buddh Nagar, Uttar Pradesh

(titled as State versus Daljeet Singh & Ors) to the Competent Court at New Delhi (Patiala House Courts) having jurisdiction to try the said Petition;

(vii) Criminal Case No.304 of 2012 arising out of F.I.R. 228/2012, dated 31.03.2012, PS Kasna, District Gautam Buddh Nagar, Uttar Pradesh pending before the Ld. ACJM-02, Gautam Buddh Nagar, Uttar Pradesh (titled as State versus Daljeet Singh & Ors) to the Competent Court at New Delhi (Patiala House Courts) having jurisdiction to try the said Petition;

(viii) Criminal Case No. 983 of 2018 arising out of F.I.R. 983/2018 in Crime No.983/2018, dated 14.11.2018, PS Kasna, District Gautam Buddh Nagar, Uttar Pradesh pending before the Ld. ACJM-02, Gautam Buddh Nagar, Uttar Pradesh (titled as State versus Daljeet Singh & Ors) to the Competent Court at New Delhi (Patiala House Courts) having jurisdiction to try the said Petition;

3. The above-stated FIRs have been registered on the complaint made by the petitioner wife. Respondent – State of U.P. as well as Respondent No.2 – husband of the petitioner have filed their respective counter affidavits, in which the facts regarding registration of the FIRs/or pending trial are broadly admitted. Respondent No.2, however, has denied the allegations levelled by the petitioner – wife with respect to any threat to her life or that she has ever been pressurized for withdrawal of these cases.

4. Be that as it may, this Court while issuing notice on 12-7-2021 has taken note of the fact that the petitioner apprehends threat to her life if she is required to appear before the Courts at Gautam Buddh Nagar, U.P. The said apprehension has been reiterated on her behalf even today.

5. Under such circumstances and without going into the merits of the allegations, we deem it appropriate and in the interest of justice, to transfer all the above-mentioned cases from the Courts in the tabular chart mentioned below, to the Court of competent

jurisdiction at Patiala House Courts, New Delhi:-

S. NO.	FIRST INFORMATION REPORT/CRIMINAL CASE	REGISTERED AT & PENDING BEFORE THE COURT	SOUGHT TO BE TRANSFERRED
1.	Criminal Case No. 447/2011 arising out of F.I.R. No.376/2011	Police Station, Kasna, Distt. Gautam Buddh Nagar, pending before Ld.ACJM-III, GB Nagar, UP	Patiala House Courts, N.Delhi
2.	Criminal Case No. 34/2013 arising out of F.I.R. No.31/2013	Police Station, Kasna, Distt. Gautam Buddh Nagar, pending before Ld.ACJM-02, GB Nagar, UP	Patiala House Courts, N.Delhi
3.	Criminal Case No. 517/2016 arising out of F.I.R. No.517/2016	Police Station, Kasna, Distt. Gautam Buddh Nagar, pending before Ld.ACJM-II, GB Nagar, UP	Patiala House Courts, N.Delhi
4.	Criminal Case No. 802/2010 arising out of F.I.R. No.65/2010	Police Station, Kasna, Distt. Gautam Buddh Nagar, pending before Ld.JM, GB Nagar, UP	Patiala House Courts, N.Delhi
5.	Criminal Case No. 685/2010 arising out of F.I.R. No.510/2010	Police Station, Kasna, Distt. Gautam Buddh Nagar, pending before Ld.ACJM-II, GB Nagar, UP	Patiala House Courts, N.Delhi
6.	Criminal Case No. 1602094/2012 arising out of F.I.R. No.120/2012	Police Station, Kasna, Distt. Gautam Buddh Nagar, pending before Ld. Judl.Magistrate, GB Nagar, UP	Patiala House Courts, N.Delhi
7.	Criminal Case No. 304/2012 arising out of F.I.R. No.228/2012	Police Station, Kasna, Distt. Gautam Buddh Nagar, pending	Patiala House Courts, N.Delhi

		before Ld.ACJM-II, GB Nagar, UP	
8.	Criminal Case No. 983/2018 arising out of F.I.R. No.983/2018	Police Station, Kasna, Distt. Gautam Buddh Nagar, pending before Ld.ACJM-II, GB Nagar, UP	Patiala House Courts, N.Delhi

6. Learned Principal District & Sessions Judge at Patiala House Courts shall entrust the above-mentioned cases to the Court(s) having jurisdiction in the matters.

7. The records of the cases be transferred to the said Court forthwith.

8. The parties shall appear at Patiala House Courts, New Delhi on 11-10-2022. The Court shall make an endeavor to list all the cases on one date so as to avoid undue hardship to the parties.

9. The Court, however, would make an endeavour to decide the cases as early as possible and preferably within a period of one year from the date of transfer of the said cases.

10 The Transfer Petitions are allowed in the above-stated terms.

.....J
(SURYA KANT)

.....J
(J.B. PARDIWALA)

NEW DELHI;
30TH AUGUST, 2022.

ITEM NO.2

COURT NO.14

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(Criminal) No.268/2021

MITALLI CHANDOLA

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ANR.

Respondent(s)

(IA No. 50560/2022 - APPLICATION FOR PERMISSION, IA No. 57009/2021 - EXEMPTION FROM FILING O.T., IA No. 57008/2021 - STAY APPLICATION)

WITH

T.P.(Cr1.) No. 269/2021 (XVI-A)

(FOR EX-PARTE STAY ON IA 69605/2021, FOR EXEMPTION FROM FILING O.T. ON IA 69606/2021 & FOR APPLICATION FOR PERMISSION ON IA 50567/2022

T.P.(Cr1.) No. 271/2021 (XVI-A)

(FOR STAY APPLICATION ON IA 69029/2021, FOR EXEMPTION FROM FILING O.T. ON IA 69030/2021 & FOR APPLICATION FOR PERMISSION ON IA 50586/2022

T.P.(Cr1.) No. 270/2021 (XVI-A)

(FOR STAY APPLICATION ON IA 69024/2021, FOR EXEMPTION FROM FILING O.T. ON IA 69025/2021 & FOR APPLICATION FOR PERMISSION ON IA 50550/2022)

T.P.(Cr1.) No. 240/2021 (XVI-A)

(FOR STAY APPLICATION ON IA 66143/2021, FOR EXEMPTION FROM FILING O.T. ON IA 66145/2021 & FOR APPLICATION FOR PERMISSION ON IA 50579/2022)

T.P.(Cr1.) No. 272/2021 (XVI-A)

(FOR STAY APPLICATION ON IA 66441/2021, FOR EXEMPTION FROM FILING O.T. ON IA 66442/2021 & FOR APPLICATION FOR PERMISSION ON IA 50559/2022)

T.P.(Cr1.) No. 273/2021 (XVI-A)

(FOR STAY APPLICATION ON IA 68969/2021, FOR EXEMPTION FROM FILING O.T. ON IA 68970/2021 & FOR APPLICATION FOR PERMISSION ON IA 50564/2022)

T.P.(Cr1.) No. 274/2021 (XVI-A)

(FOR STAY APPLICATION ON IA 68998/2021, FOR EXEMPTION FROM FILING O.T. ON IA 68999/2021 & FOR APPLICATION FOR PERMISSION ON IA 50595/2022

T.P.(Cr1.) No. 275/2021 (XVI-A)

(FOR STAY APPLICATION ON IA 69038/2021, FOR EXEMPTION FROM FILING O.T. ON IA 69039/2021 & FOR APPLICATION FOR PERMISSION ON IA 50545/2022)

Date : 30-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Shekhar G. Devasa, Adv.
Mr. Manish Tiwari, Adv.
Mr. Prashanth R. Dixit, Adv.
Mr. Thashmitha Muthanna, Adv.
Mr. Shashi Bhushan Nagar, Adv.
Mr. Abinash Kumar, Adv.
For M/s. Devasa & Co., AOR

For Respondent(s)

Mr. Sarvesh Singh Baghel, AOR
Mr. Anuroop Chakravarti, Adv.

Dr. Sumant Bharadwaj, Adv.
Ms. Mridula Ray Bharadwaj, AOR
Mr. Rakesh Kailesh Sharma, Adv.
Mr. Vedant Bharadwaj, Adv.

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

T.P.(Crl.) No.274/2021:-

The Transfer Petition is disposed of as infructuous, in terms of the signed order.

T.P. (Crl.) No.268/2021, T.P.(Crl.) No. 269/2021, T.P.(Crl.) No. 271/2021, T.P.(Crl.) No. 270/2021, T.P.(Crl.) No. 240/2021, T.P.(Crl.) No. 272/2021, T.P.(Crl.) No. 273/2021 & T.P.(Crl.) No. 275/2021 :-

- 1. Exemption applications are allowed.**
- 2. The Transfer Petitions are allowed, in terms of the signed order.**
- 3. Pending applications filed in the matters also stand disposed of.**

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed Order is placed on the file)