

IN THE SUPREME COURT OF INDIA  
CRIMINAL/CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (Crl.) NO. 154 OF 2020

KALPNA

Petitioner(s)

VERSUS

RAMESH CHANDRA

Respondent(s)

WITH

TRANSFER PETITION (C) NO. 1088 OF 2021

O R D E R

The Transfer Petition(C) No. 1088 of 2021 is filed by the wife seeking transfer of petition for divorce pending on the file of the Civil Judge, Senior Division, Pune at Pune, Maharashtra to a competent Court at Ahmedabad, Gujarat.

The Transfer Petition (Crl.) No. 154 of 2020 is filed by the same petitioner against her father-in-law seeking a transfer of a criminal complaint of defamation filed by the father-in-law and now pending on the file of the Judicial Magistrate First Class, Indore, Madhya Pradesh to a Court of competent jurisdiction at Ahmedabad,

Guajrat.

Heard Mr. Subhasish Bhowmick and Mr. Shahid Anwar, learned counsel appearing for the petitioner(s) and Mr. Ramesh Chandra and Mr. Vikas Bunkar, respondents appearing-in-person in the respective petitions.

In Transfer Petition (C) No. 1088 of 2021, the wife seeks transfer of a petition for divorce instituted by the respondent-husband, on the ground that she is not financially independent and that she is residing at her parental house at Ahemedabad. It is claimed by the petitioner that her father is 81 years of age and suffering from a heart disease. It is also stated that the wife has filed a complaint under Section 498-A of Indian Penal Code as well as the Domestic Violence Act on the file of the Chief Judicial Magistrate, Ahemadabad, Gujarat. However, the proceedings under Section 498A of Indian Penal code appears to have been quashed.

Be that as it may, the wife claims to be, financially not independent and claims to be living with her parents and their mercy. This fact is not serious disputed.

Therefore, Transfer Petition(C) No. 1088 of 2021 is allowed and divorce petition is transferred to the Family Court, Ahemadabad, Gujarat.

In so far as the next transfer petition being Transfer Petition(Crl.) No. 154 of 2020 is concerned, the same arises out of the criminal complaint for defamation filed by the father-in-law. The complaint was lodged on the basis of an order passed by the High Court, quashing a criminal complaint filed by the daughter-in-law for alleged offences under Section 498-A IPC etc. The respondent/father-in-law appearing-in-person contended that what is sought to be transferred is a criminal complaint which is independent of the Family court dispute between her son and the daughter-in-law. Therefore, he argued that such a criminal complaint cannot be transferred out of the jurisdiction of the Court within whose territory, the offence took place.

Though, the said argument appears to be attractive at the first instance, it is found on a deeper scrutiny that the criminal complaint of defamation is an off-shoot of

the original complaint under Section 498A of the Indian Penal Code.

Therefore, the objections of the respondent/father-in-law are overruled and T.P.(Crl.)No.154 of 2020 is also allowed.

.....J  
(V. RAMASUBRAMANIAN)

New Delhi  
August 16, 2022

ITEM NO.1605

COURT NO.6

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). 154/2020

KALPNA

Petitioner(s)

VERSUS

RAMESH CHANDRA

Respondent(s)

IA No. 77171/2021 - EXEMPTION FROM FILING O.T.  
 IA No. 45967/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
 IA No. 40660/2020 - STAY APPLICATION  
 IA No. 77176/2021 - VACATING STAY)

WITH

T.P. (C) No. 1088/2021 (XVI-A)

(FOR

FOR EX-PARTE STAY ON IA 71358/2021

FOR PERMISSION TO APPEAR AND ARGUE IN PERSON ON IA 35622/2022

IA No. 71358/2021 - EX-PARTE STAY

IA No. 35622/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 16-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Mr. Subhasish Bhowmick, AOR  
 Mr. Manimala Roy, Adv.  
 Ms. Manisha Pandey, Adv.  
 Ms. Chitra Rekha Singh, Adv.

Dr. Zulfiqar Anwar, Adv.  
 Md. Shahid Anwar, AOR  
 Mohd. Sajit, Adv.  
 Mr. Syed Rehan, Adv.  
 Mr. H.R. Khan, Adv.  
 Mr. Ajay Amrit Raj, Adv.

For Respondent(s)

Respondent-in-person

UPON hearing the counsel the Court made the following

O R D E R

The transfer petitions are allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)

(MATHEW ABRAHAM)  
COURT MASTER (NSH)

[Signed order is placed on the file]