

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO.176-177 OF 2023

REKHA MISHRA

PETITIONER(S)

VERSUS

ARUN KUMAR MISHRA ETC.

RESPONDENT(S)

O R D E R

1. The petitioner-wife seeks transfer of (i) Criminal Miscellaneous Case No.1386/2022, titled as "Arun Kumar Mishra vs. Rekha Mishra", filed by the respondent-husband and (ii) Case No.299/2020 titled as "Rekha Mishra vs. Arun Kumar Mishra & Ors." filed by her against the respondent-husband and his family members. The first case is an application under Section 127 of the Code of Criminal Procedure and the second case is a complaint by the petitioner under Section 12 of the Protection of Women from Domestic Violence Act, 2005. Both these cases are pending before the Principal Judge, Family Court, Sitapur, Uttar Pradesh and the Judicial Magistrate 1st Sitapur, Uttar Pradesh respectively. The petitioner-wife seeks transfer thereof to the Principal Judge, Family Court, Hyderabad, Telangana and Judicial Magistrate, Hyderabad, Telangana respectively.

2. Initially, the notice issued to the respondents was received back with postal remarks stating that the "address

was incomplete". Thereafter upon furnishing fresh address, a show cause notice was once again issued. As per the office report, neither the A.D. card nor the unserved cover containing show cause notice has been received back in respect of all the three respondents. Furthermore, as per the postal tracking report, notices have been delivered to the addressees on 20.09.2023. The service in the present matter is, thus, complete. However, no one has entered appearance.

3. The parties got married on 01.06.2012. According to the petitioner-wife, she is unemployed and has no source of livelihood. She was awarded maintenance of Rs.10,000/- per month by the Principal Judge, Family Court, Sitapur vide the order dated 14.11.2017 which, according to her, is not being paid by the respondent-husband. The petitioner is presently residing with her parents and brother at Hyderabad. In such circumstances, it appears extremely difficult for the petitioner to travel to a far away place, to defend herself or pursue the above-mentioned complaint filed by her.

4. Taking into consideration the totality of the circumstances, however, without expressing any views on merits, the transfer petitions are allowed and Criminal Miscellaneous No.1386/2022 and Case No.299/2020, pending before the Principal Judge, Family Court, Sitapur, Uttar Pradesh and the Judicial Magistrate 1st Sitapur, Uttar Pradesh are ordered to be transferred to the Principal

Judge, Family Court, Hyderabad, Telangana and Judicial
Magistrate, Hyderabad, Telangana. The records be forwarded
to the Transferee Court forthwith.

.....J.
(SURYA KANT)

.....J.
(DIPANKAR DATTA)

.....J.
(UJJAL BHUYAN)

New Delhi;
November 08, 2023

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).176-177/2023

REKHA MISHRA

Petitioner(s)

VERSUS

ARUN KUMAR MISHRA ETC.

Respondent(s)

(IA No. 53834/2023 - EX-PARTE STAY, IA No.53836/2023 - EXEMPTION FROM FILING O.T.)

Date : 08-11-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Arvind Kumar Shukla, Adv.
Ms. Reetu Sharma, AOR
Mrs. Neena Shukla, Adv.
Mr. Nihal Ahmad, Adv.
Ms. Susmita Devi Ghimiray, Adv.
Ms. Siddhi Singhal, Adv.
Mr. Shantanu Shukla, Adv.
Mr. T.S. Chauhan, Adv.

For Respondent(s)

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

1. The transfer petitions are allowed in terms of the signed order.
2. All pending applications, if any, stand disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

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

(signed order is placed on the file)