

SUPREME COURT OF INDIA

Kanta Rani

Vs.

Savitri Devi

(K.T. Thomas and R.P.Sethi JJ.)

07.08.2000

ORDER

1. This transfer petition is filed by the petitioner who is the daughter-in-law of the respondent No. 1. She filed a complaint before the Chief Judicial Magistrate, Muzaffarnagar, against the petitioners who are the father-in-law, mother-in-law and three others respectively. The offences alleged against all of them are under Sections 323, 506, 427, 354 and 452 of the Indian Penal Code. There was an earlier case which the first respondent filed against her mother-in-law (the petitioner) before the Court at Sirsa (Haryana). When the mother-in-law approached this Court for transfer of that case, we declined to order transfer, but we permitted her to be exempted from appearance in the criminal court on certain conditions. The present case, now pending in the court at Muzaffarnagar, can also be transferred to Sirsa (Haryana) which would alleviate the hardships of all the parties.
2. Learned Counsel for the first respondent contended that it would be difficult for her to be present in the court at Sirsa as the complainant, on all posting dates. We permit her to be present through her Counsel. The complaint shall not be dismissed solely on the ground of her absence in the court provided a Counsel on her behalf would be present in the court whenever the case is called.
3. We, therefore, order that the complaint case No. 326 (titled Smt. Savitri Devi v. Om Prakash Sharma and Ors.) pending in the court of Chief Judicial Magistrate, Muzaffarnagar (U.P.), be transferred to the court of the Chief Judicial Magistrate, Sirsa (Haryana). We permit the Chief Judicial Magistrate, Sirsa, to assign this case to any other court within his domain.