

CASE NO.:
Transfer Petition (crl.) 77 of 2007

PETITIONER:
Gurpreet Kaur @ Rinky

RESPONDENT:
Vipin Kumar Gupta

DATE OF JUDGMENT: 02/11/2007

BENCH:
K.G. Balakrishnan & R.V. Raveendran & V.S. Sirpurkar

JUDGMENT:
JUDGMENT

O R D E R
TRANSFER PETITION (CRIMINAL) NO.77 OF 2007

K. G. Balakrishnan, CJI,

The petitioner claims that the respondent was her mother's counsel in a number of matrimonial and maintenance cases filed by her mother against her father. She alleges that she is in her twenties and engaged to one Parminder Singh. She claims that the respondent had advised the petitioner to file a petition under section 18 of the Hindu Adoption & Maintenance Act against her father, seeking the expenses of her forthcoming marriage and in that behalf, took signatures from her on several blank papers. Thereafter, respondent having evil designs on her started pressurizing her to break off her engagement and marry him, though he was 48 years of age and already married having two children. The petitioner and her mother warned the respondent that he should not harbour such feelings. The respondent became furious and threatened the petitioner that he would not allow her to live in peace.

2. According to her, with a view to spoil her marriage prospects, the respondent filed a frivolous civil suit against the petitioner, her brothers and other relatives; that in furtherance of his evil designs, he also forged a letter dated 19.12.2006 purporting to have been authored by the petitioner addressed to his friends at Mumbai, making defamatory imputations against him, and on that basis filed a complaint before the Metropolitan Magistrate (49th Court), Mumbai under section 200 Cr.P.C. in January, 2007, praying that the petitioner be summoned, tried and penalized for the offence of defamation. The learned Magistrate has issued summons to the petitioner in the said case. The petitioner has filed this petition for transfer of the said criminal proceedings bearing CC No.6/SS/2007 from the Court of the Special Metropolitan Magistrate, 47th Court, Vikhroli, Mumbai to any court in Delhi. The petitioner contends that though the respondent resides in Delhi, he has filed the complaint in Mumbai to put her to hardship, both financially and otherwise as she will be required to travel all the way to Mumbai and appear in the case on several hearings; that the respondent may resort to third degree methods in Mumbai; and that he may harass her by seeking unnecessary adjournments.

3. The respondent has resisted the petition by filing a counter, alleging that the petitioner developed intimacy with him and was requesting him to marry her; and that she had defamed him by writing letters to his friends making false allegations. He has contended that she will not be put to any hardship as she can seek exemption from personal appearance in the Mumbai court. According to him, his main witnesses are at Mumbai and they will not be able to come over to Delhi if the case is transferred. He also

stated that the apprehensions of petitioner that he will seek unnecessary adjournments or indulge in any harassment tactics, are without basis. When the matter came up for hearing today, the respondent who appears in person, also submitted that the petitioner is now married and is no longer residing in Delhi but is residing in Punjab and therefore, there is no need to transfer the case to Delhi.

4. Both sides have made several allegations in regard to the merits. We do not propose to examine them in this case as the scope of transfer proceedings is limited.

5. We are satisfied that petitioner will be put to considerable hardship if she is required to contest the matter in Mumbai. On the facts and circumstances, the case deserves to be transferred to Delhi, as requested by the petitioner.

6. We accordingly allow this petition and direct transfer of CC No.6/SS/2007, titled Vipin Kumar Gupta vs. Gurpreet Kaur from the Court of the Special Metropolitan Magistrate (47th Court), Vikhoroli, Mumbai to the court of the Chief Metropolitan Magistrate, Delhi, who shall either dispose of the case himself or assign it to any other Magistrate in Delhi.