

ITEM NO.15

COURT NO.8

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(s)(Criminal) No(s). 442/2021

DINESH MAHAJAN

Petitioner(s)

VERSUS

VISHAL MAHAJAN

Respondent(s)

(FOR ADMISSION and IA No.137610/2021-EX-PARTE STAY)

Date : 26-10-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Ms. Ritu Reniwal, Adv.
Mr. Robin Khokhar, AOR
Mr. Ankit Gupta, Adv.

For Respondent(s)

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

Heard the learned counsel for the petitioner.

This petition is filed by the petitioner for transfer of Complaint No. 3105 of 2021 titled as "*Vishal Mahajan vs. Dinesh Mahajan*" filed under Sections 420 and 506 of the Indian Penal Code pending in the Court of Chief Judicial Magistrate, Jammu to Tis Hazari Courts, Delhi.

In Ground 'D' of the Transfer Petition, an apprehension of threat of life merely on receiving notice on the above-mentioned complaint, has been shown. No complaint has been lodged by the petitioner to the authorities concerned or before any Court. Mere apprehension of threat of life is not a sufficient ground to transfer a case, without lodging a complaint or substantiating the said ground.

The learned counsel appearing on behalf of the petitioner prays for exemption from personal appearance by relying on a judgment titled "*Puneet Dalmia vs. Central Bureau of Investigation, Hyderabad*" reported in 2020 12 SCC 695, *inter-alia* contending that exemption from personal appearance may be granted. Considering the facts of the said case (*Puneet Dalmia vs. Central Bureau of Investigation, Hyderabad* supra), in which the exemption was refused by the Court and as prayed for by the petitioner, this Court while considering the facts and circumstances of the said case, granted exemption from personal appearance.

The order passed by this Court in *Puneet Dalmia vs. Central Bureau of Investigation, Hyderabad* (supra) does not apply in the instant transfer petition merely on the basis of apprehension.

In view of the afore-said, this Court does not find any ground to transfer the Complaint No. 3105 of 2021 pending in the Court of Chief Judicial Magistrate, Jammu to Tis Hazari Courts, Delhi.

The transfer petition is, accordingly, dismissed.

Pending application(s), if any, stand disposed of.

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)