

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO.856/2024

ALISHA BERRY

PETITIONER(S)

VERSUS

NEELAM BERRY

RESPONDENT(S)

ORDER

The present transfer petition has been filed by the petitioner (Daughter-in-law of the sole respondent) seeking transfer of the case bearing MC No. 825 of 2023 filed by the respondent (Mother-in-law) under the provisions of the Protection of Women from Domestic Violence Act, 2005 (for short, 'the D.V. Act'), titled as "*Neelam Berry Vs. Alisha Berry*" (subject-case), pending in the Court of Metropolitan Magistrate, Mahila Court-05, West, Tis Hazari Courts, Delhi to the Court of Chief Judicial Magistrate, Ludhiana, Punjab.

Despite service of notice upon the sole respondent, no one has entered appearance on her behalf so far.

Heard learned counsel for the petitioner.

Learned counsel representing the petitioner submits that the petitioner is having a specially abled minor son who is suffering from hearing

impairment. She is unemployed and is fully dependent on her father for her survival. It is further pointed out that the Court below has issued bailable warrants against the petitioner vide order dated 06.02.2024.

This Court is constrained to observe that there is no justification whatsoever for the Trial Court to have issued bailable warrants in an application filed under the provisions of the D.V. Act. The proceedings under the D.V. Act are quasi criminal proceedings which do not have any penal consequence except where there is a violation or breach of a protection order. Therefore, the learned Magistrate was absolutely unjustified in directing issuance of bailable warrants against the petitioner.

Having considered the submissions advanced by learned counsel for the petitioner and after going through the material available on record and considering the fact that the proceedings of the divorce petition filed by the husband of the petitioner have already been transferred by this Court from Family Court, West, Tis Hazari, New Delhi to Family Court, Ludhiana District Court, Punjab vide order dated 14.08.2024 passed in Transfer Petition(Civil) No. 1506 of 2024, the instant transfer petition stands allowed in the

terms prayed for.

The Court where proceedings are pending shall transfer the records to the transferee Court promptly and without any delay.

If video conferencing facility is available with the transferee Court, the benefit of the same shall be extended to the parties.

A copy of this order be sent to the concerned courts for compliance.

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

.....J.
[SANDEEP MEHTA]

NEW DELHI;
JANUARY 03, 2025.

ITEM NO.1617

COURT NO.16

SECTION II-C

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 (Criminal) No. 856/2024

ALISHA BERRY

Petitioner(s)

VERSUS

NEELAM BERRY

Respondent(s)

(FOR ADMISSION and IA No.231864/2024-STAY APPLICATION)

Date : 03-01-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Ms. Asawari Sodhi, Adv.
Ms. Zehra Khan, AOR

For Respondent(s)

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

The present transfer petition is allowed in terms of the signed order which is placed on the file.

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

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
ASSISTANT REGISTRAR