



**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**TPCR No. 12 of 2025**

Smt. Sarita Agrawal W/o Ghanshyam Jaiswal Aged About 53 Years R/o Behind Hotel King Fort, Deepak Nagar, Durg, District- Durg Chhattisgarh Other Address- Agrawal Canteen, Shankaracharya College, Durg Campus, Hudco, District- Durg, Chhattisgarh

--- **Petitioner**

**versus**

Ghanshyam Agrawal S/o Late Shri Puran Agrawal Aged About 63 Years R/o Plot No. E-476, Sector-3, Samta Colony, Near Radha Krishna Mandir, Azad Chowk, Raipur, Tehsil and District- Raipur, Chhattisgarh (Address Wrongly Mentioned In The Application)

--- **Respondent**

**TPCR No. 13 of 2025**

Smt. Sarita Agrawal W/o Ghanshyam Jaiswal Aged About 53 Years R/o Behind Hotel King Fort, Deepak Nagar, Durg District Durg Chhattisgarh Other Address Agrawal Canteen, Shankaracharya College, Durg Campus, Hudco, District Durg Chhattisgarh

---**Petitioner**

**Versus**

Ghanshyam Agrawal S/o Late Srhi Puran Agrawal Aged About 63 Years R/o Plot No. E-476, Sector -3, Samta Colony, Near Radha Krishna Mandir, Azad Chowk Raipur, Tehsil and District Raipur, Chhattisgarh

-- **Respondent**

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| For Petitioner | : | Mr. Anmol Sharma, Advocate. |
| For Respondent | : | Ms. Priyanka Rai, Advocate. |

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**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Order on Board**

**13.02.2026**

1. Heard Mr. Anmol Sharma, learned counsel for the petitioner. Also heard Ms. Priyanka Rai, learned counsel, appearing for respondent.
2. The present transfer petitions have been filed seeks transfer of unregistered criminal complaint filed by the respondent/husband under Section 223 of BNSS read with Sections 316 and 303 of BNS pending before the Court of Learned Judicial Magistrate First Class, Raipur, District – Raipur (C.G.) to the Court of the Learned Judicial Magistrate First Class, Durg, District - Durg (C.G.) and Misc. Criminal Case No. 422/2025 filed by the respondent under Section 144 of BNS for grant of maintenance which is pending before the Court of Learned Principal Judge Family Court, Raipur, District – Raipur, (C.G.) to the Court of Learned Principal Judge Family Court, Durg, District – Durg (C.G.).
3. Brief facts necessary for the case are the petitioner and the respondent are wife and husband, respectively. Their marriage was solemnized on 01.12.2021 in accordance with Hindu rites and ceremonies at Shyam Mandir, District Durg, Chhattisgarh. It is pertinent to mention that both parties entered into this marriage out of their own free will and mutual consent, it being the second marriage for both, as their respective former spouses are no more. After the solemnization of marriage, the petitioner joined the respondent at her matrimonial home and started residing with him, discharging her conjugal obligations. After the marriage, the couple resided at their matrimonial home in Raipur. However, disputes arose between them after some time. The respondent began subjecting the petitioner to physical and mental harassment over trivial matters and made unlawful demands for dowry and other favours. The petitioner



tolerated such conduct for nearly three years in the hope of preserving the marriage and restoring normalcy. However, on 03.04.2024, the respondent assaulted the petitioner and, during the early hours of 04.04.2024, forcibly drove her out of the matrimonial home. Since then, she has been residing in a rented premises (P.G.) at Durg. The petitioner possesses video recordings of certain incidents evidencing the cruelty inflicted upon her, which she undertakes to produce before this Court as and when directed.

4. After being expelled from the matrimonial home, the petitioner lodged a complaint with the Police Authorities on 16.04.2024, narrating the entire incident and seeking appropriate legal action against the respondent. The ornaments and other gifts brought by the petitioner at the time of marriage are still in the possession of the respondent and have not been returned. The petitioner further submits that she filed an application under Section 9 of the Hindu Marriage Act before the Learned Family Court at Durg, bearing Civil Suit No. 434/2024, in an attempt to preserve the matrimonial relationship. Notices were duly issued to the respondent, who has entered appearance. The matter is presently pending consideration before the Learned Family Court, Durg. The petitioner has also filed an application under Section 125 CrPC before the Learned Family Court, Durg, seeking maintenance, registered as MJC Criminal No. 620/2024. The respondent has appeared before the Court, and the matter is presently pending for the petitioner's evidence. The petitioner has further instituted proceedings under the Protection of Women from Domestic Violence Act, which are pending before the Learned Judicial Magistrate First Class at Durg. The respondent has also marked his appearance in the said proceedings.



5. During the pendency of the aforesaid proceedings at Durg, the respondent, with mala fide intent to harass the petitioner and compel her to attend proceedings at Raipur, lodged a complaint before the Police Authorities alleging that the petitioner had unlawfully retained gold ornaments and left for Durg. Upon preliminary enquiry, the authorities submitted a report under Section 174 BNSS advising the parties to seek appropriate relief before the competent Court. Thereafter, the respondent filed a complaint before the Superintendent of Police, Raipur; however, no action was taken. Subsequently, the respondent instituted a criminal complaint under Section 223 BNSS seeking registration of offences under Sections 316 and 303 of BNS against the petitioner. Despite being fully aware that the petitioner is residing at Durg and that the marriage was solemnized at District Durg, the respondent, solely with the intention to harass and inconvenience the petitioner, filed the complaint case before the Learned Court at Raipur. The petitioner has received notice in the said matter, and the next date of hearing before the Learned JMFC, Raipur, is fixed for 15.05.2025.
6. Mr. Anmol Sharma, learned counsel for the petitioner submits that the petitioner/wife is a permanent resident of Durg and is living alone without any support. There is no one to accompany or look after her, and she is therefore unable to conveniently attend the proceedings before the Learned Judicial Magistrate First Class at Raipur. The distance between Durg and Raipur is approximately 30 kilometres one way, requiring her to travel nearly 60 kilometres for each hearing, which would cause her significant hardship and inconvenience. He also submits that the petitioner is financially constrained and does not possess sufficient means to regularly bear the expenses required to attend the proceedings at Raipur. Considering her present medical condition and the absence of



any person to care for or assist her, it would be extremely difficult for her to travel and attend the hearings at Raipur. Further, the marriage between the parties was solemnized at Durg. Despite being aware of this fact, the respondent has deliberately instituted the criminal complaint at Raipur solely with the intention to harass the petitioner. It is further submitted that the petitioner has already instituted various proceedings at Durg, and the respondent is regularly attending those proceedings without default.

- 7.** Mr. Sharma, further submits that the petitioner, who is the wife, has already instituted three proceedings against the respondent/husband at Durg. Firstly, she has filed an application under Section 9 of the Hindu Marriage Act before the Learned Family Court at Durg, registered as Civil Suit No. 434/2024. Secondly, she has filed an application under Section 125 CrPC seeking maintenance before the Learned Family Court, Durg, registered as MJC Criminal No. 620/2024. Thirdly, she has instituted proceedings under the Protection of Women from Domestic Violence Act, which are presently pending before the Learned Judicial Magistrate First Class at Durg. It is further submitted that the respondent has been regularly attending the aforesaid proceedings at Durg without any default.
- 8.** In view of the fact that three cases between the same parties are already pending at Durg, it is prayed that the present case instituted at Raipur be transferred from the Court of Learned Judicial Magistrate First Class, Raipur, District – Raipur to Learned Judicial Magistrate First Class, Durg, District – Durg and another present case pending before the Court of Learned Principal Judge Family Court, Raipur, District – Raipur, (C.G.) to the Court of Learned Principal Judge Family Court, Durg, District – Durg (C.G.) in the interest of justice and for the convenience of the



petitioner. He later submits that the respondent is a resident of Raipur and is an influential person there. The petitioner reasonably apprehends that he may attempt to pressurize or intimidate her if she is required to attend the proceedings at Raipur. Despite claiming personal difficulties, the respondent has been regularly attending the proceedings at Durg without fail, which demonstrates that no prejudice would be caused to him if the present complaint is transferred to Raipur to Durg.

- 9.** On the other hand, learned counsel for the respondent opposed the transfer of the cases.
- 10.** Considering the submissions made by learned counsel for the petitioner and upon perusal of the record, it is evident that the petitioner/wife has already instituted three proceedings against the respondent/husband at Durg, namely: (i) an application under Section 9 of the Hindu Marriage Act bearing Civil Suit No. 434/2024 pending before the Learned Family Court, Durg; (ii) an application under Section 125 CrPC registered as MJC Criminal No. 620/2024 pending before the Learned Family Court, Durg; and (iii) proceedings under the Protection of Women from Domestic Violence Act pending before the Learned Judicial Magistrate First Class, Durg. It is not in dispute that the respondent is regularly attending the aforesaid proceedings at Durg without default. In view of the pendency of multiple proceedings between the same parties at Durg and considering the overall facts and circumstances of the case, this Court is of the opinion that no prejudice would be caused to the respondent if the present complaint case pending before the Court of the Learned Judicial Magistrate First Class, Raipur, District Raipur, is transferred to the Court of the Learned Judicial Magistrate First Class, Durg, District Durg.



11. Accordingly, unregistered criminal complaint filed by the husband under Section 223 of BNSS read with Sections 316 and 303 of BNS pending before the Court of Learned Judicial Magistrate First Class, Raipur, District – Raipur (C.G.) is hereby transferred to the Court of the learned Judicial Magistrate First Class, Durg, District - Durg (C.G.) and Misc. Criminal Case No. 422/2025 filed by the respondent under Section 144 of BNS for grant of maintenance which is pending before the Court of Learned Principal Judge Family, Raipur, District – Raipur, (C.G.) is hereby transferred to the Court of Learned Principal Judge Family Court, Durg, District – Durg (C.G.).
12. Accordingly, the present transfer petitions (TPCR No. 12/2025) and (TPCR No. 13/2025) are **allowed**.
13. The Office is directed to forthwith transmit a certified copy of this order to the Court concerned for necessary information and compliance.

**Sd/-**

**(Ramesh Sinha)  
Chief Justice**