

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Misc. Application No.1248 of 2015**

( Under Section 482 of Cr.P.C.)

Smt. Sunita

.....Applicant

**Versus**

State of Uttarakhand and others

....Respondents

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**Hon'ble Sudhanshu Dhulia, J. (Oral)**

Heard Ms. Anjali Noliyal, Advocate present for the applicant and Mr. P.S. Saun, learned Dy. Advocate General assisted by Mr. B.M. Pingal, Brief Holder present for the State/respondent No.1.

The applicant was married to respondent No.2 on 12.12.2006. A complaint has been filed by the applicant under the provisions of the Protection of Women from Domestic Violence Act before Additional Chief Judicial Magistrate, Rishikesh, District Dehradun for claiming relief from the respondent No.2. Thereafter, respondent No.2 filed a transfer application before the Chief Judicial Magistrate, Dehradun seeking transfer of complaint case No.735 of 2015 from the court of Additional Chief Judicial Magistrate, Rishikesh, District Dehradun to the court of Judicial Magistrate, Dehradun or Vikas Nagar. The said application was dismissed by learned Chief Judicial Magistrate, vide order dated 21.08.2015. Aggrieved, respondent No.2 filed a transfer application before learned District & Sessions Judge, Dehradun in which objections were filed by the applicant and after hearing the parties, the transfer application was allowed and the complaint case No.735 of 2015 was transferred from the court of Additional Chief Judicial Magistrate, Rishikesh to the court of Chief Judicial Magistrate, Dehradun vide order dated 22.09.2015. Aggrieved, the present applicant has filed present application under Section 482 Cr.P.C. invoking the inherent powers of this Court.

Considering the overall evidence which is available before this Court and also the fact that applicant is a practicing Advocate, therefore, this Court does not find any illegality in the order passed by learned Sessions Judge, Dehradun, hence, at this stage, this Court is not inclined to interfere in the matter.

The application under Section 482 Cr.P.C. is dismissed.

**(Sudhanshu Dhulia, J.)**

30.09.2015

JKJ