

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 214 OF 2026

Manoj N. Sattyavijay & Ors.
V/s.

...Applicants

Rinku M. Sattyavijay & Anr.

...Respondents.

.....
Mr. Ramprasad Deore a/w. Mr. Rajesh Ranglani for the Applicants.
Mr. Rajesh S. Baisane for the Respondent No.1.
Mr. Yogesh Y. Dabake, APP for the Respondent/State.
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CORAM : N.R. BORKAR, J.
DATE : 17.08.2026.

P.C. :

1. Learned counsel for the applicants seeks leave to correct the prayer clause. Leave as sought is granted. Necessary amendment shall be carried out forthwith.
2. By this application under Section 447 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, the applicants seek transfer of P.W.D.V. Case No.92 of 2026, filed by respondent No.1-wife under the provisions of Protection of Women from Domestic Violence Act of 2005, from the file of the Judicial Magistrate First Class (JMFC), Thane to the Court of Judicial Magistrate First Class, Dhule.
3. I have heard learned counsel for the applicants and the learned counsel for contesting respondent No.1-wife.

4. Learned counsel for the applicants has drawn my attention to the order passed by this Court dated 3rd September 2025 in Miscellaneous Civil Application No. 312 of 2024 and Miscellaneous Civil Application No. 42 of 2024. It is submitted that by the said order this Court has transferred the petition filed by respondent No.1 for restitution of conjugal rights from the Court of Civil Judge (S.D.), Thane to the Court of Civil Judge (S.D.), Dhule. It is submitted that in the said order this Court has specifically observed that directing the applicant No.1-husband to contest the proceedings at Thane would cause him substantial hardship.

5. On the other hand, learned counsel for respondent No.1-wife submits that there is a threat to the life of respondent No.1-wife from the applicants. In support of the said submission, the learned counsel for respondent No.1 has drawn my attention to the FIR lodged by her against the applicants. It is submitted that considering the said fact, the application may not be entertained.

5. This Court in the order dated 3rd September 2025 in Miscellaneous Civil Application Nos. 312 of 2024 and 42 of 2024 recorded the following finding:

“14) Having regard to the totality of the facts, I find the balance of convenience in favour of the husband. His responsibilities towards his two young children, his aged parents, and the management of his livelihood are such that directing him to contest the proceedings at Thane would cause substantial hardship. The wife, though semi-literate and financially constrained, has not demonstrated that travelling from Thane to Dhule is impossible. The only

inconvenience for the wife would be the cost of travel, which stands adequately addressed by husband's undertaking to reimburse all such expenses, including those of a companion travelling with her. In these circumstances, it would be appropriate that the proceedings be transferred from Thane Court to Dhule Court."

(emphasis supplied)

6. The FIR lodged by the respondent No.1 was very much in existence, when this Court had passed the order dated 3rd September 2025. In that view of the matter, I am inclined to allow the present application. In the result, the following order is passed.

ORDER

(A) The Application is allowed.

(B) The Court of JMFC, Thane, wherein PWDV Case No. 92 of 2026 is pending, shall transfer the said case to the Court of JMFC, Dhule.

7. The Application is disposed of.

[N.R.BORKAR, J.]