

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 806 OF 2015

Hanmant s/o. Pandurang Phadnis**Petitioner.**

Versus

Manjusha w/o. Hanmant Phadnis
and Ors.**Respondents.**

Mr. H.V. Patil, Advocate for petitioner.

Mr. S.J. Salgare, Advocate for respondents.

CORAM : T.V. NALAWADE, J.

DATED : 8th July, 2015.

ORDER :

1. The petition is filed to challenge the judgment and order of Criminal Appeal No. 8/2015 which was pending in the Court of Additional Sessions Judge, Ahmedpur and also the decision of Judicial Magistrate, First Class, Ahmedpur on Exh. 17 in Criminal Misc. Application No. 73/2012. Both the sides are heard.

2. The proceeding under the Protection of Women From Domestic Violence Act (hereinafter referred to as the "Act" for short) is filed for getting the reliefs under sections 12, 18, 19, 20, 22 of the Act. By filing application at Exh. 17, present petitioner, the husband requested to decide the preliminary point of local

jurisdiction. He contended that the original applicant Smt. Manjusha is not resident of Ahmedpur and she is residing at other place, in other district and so, the J.M.F.C. has no jurisdiction over the matter. The husband was allowed to lead the evidence. After hearing both the sides, the J.M.F.C. held that the application is tenable in the Court of from Ahmedpur.

3. The learned counsel for husband placed reliance on some record like voters list prepared for election to Corporation of Pimpri Chinchawad in the year 2012. It shows that in Ward No. 12 at Sr. No. 537, the name of wife was recorded as voter. He wants to rely on some record like the school record of son of original applicant showing that the son was receiving education from aforesaid place for the year 2012-2013 and 2013-2014. In the past, the applicant was cohabiting with present petitioner at Vivek Nagar, Ashti, Pune.

4. In the application filed under section 12 of the aforesaid Act, Smt. Manjusha has contended that her parents are from Ahmedpur and she is living with her parents at Ahmedpur. She has made allegations that in incident dated 2.9.2012 there was beating given to her and the husband and his relatives had given threat of life by visiting that place.

5. The learned J.M.F.C. has considered the provision of section 27 (1) (a) of the Act in which it is made clear that such proceeding can be filed by the victim at the place where she has permanent place of residence or at the place where she is residing temporarily or she is carrying on business etc. Thus, the provision is made to see that the victims are not harassed and they are able to chose the place of their convenience. In view of these circumstances and specific contentions made in the application, this Court holds that interference in the order made by the learned J.M.F.C. is not possible. Further, the evidence of the husband on the aforesaid point shows that even when the parents of the wife are resident of Ahmepur, the husband avoided to admit this contention by saying that he does not know anything about it. This Court holds that it is not possible to invoke the writ jurisdiction to interfere in the orders made by both the Courts below.

6. In the result, the petition stands dismissed.

[T.V. NALAWADE, J.]

ssc/