

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

Transfer Criminal Petition.No.249 of 2013

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ORDER:

None appears for the petitioner even today. There is no representation on behalf of the petitioner when his name is called out. None appeared on his behalf when the matter was taken up on 05-06-2015 also.

The 2nd respondent is married to the petitioner on 23-08-2000. From out of that wedlock, the 3rd respondent herein was born on 30-12-2002. It is the case of the petitioner that some time during March, 2003, he secured job as an Assistant Biologist in Saudi Arabia and since April, 2003 onwards, he was remitting every month Rs.40,000/- to the bank account of the 2nd respondent and after coming out of Saudi Arabia also, he could secure a job in Mumbai and from there also he used to send money regularly. It is his assertion that nearly Rs.10-00 lac have been sent to the 2nd respondent and she has not rendered any account of the same and that she has also not spent the same for the betterment of the family. In Para 3 of the affidavit filed in support of this petition, the petitioner alleges that the 2nd respondent has developed objectionable closeness with one Shyam Babu, she has also carried on liquor business with him and that she has abruptly left the matrimonial home in October, 2012 at Hyderabad without his knowledge and shifted to Rajahmundry and that she has lodged a false complaint with the Police Station, S.R.Nagar, Hyderabad on 14-12-2012 as if there was burglary. In view of the unjust desertion of the company of the petitioner by the 2nd respondent, he filed F.C.O.P.No.855 of 2013 before the Family Court, Hyderabad, seeking divorce and also the custody of their daughter, the 3rd respondent herein. The 2nd respondent, after receiving the notice in F.C.O.P.No.855 of 2013, has approached the Legal Services Authority at Rajahmundry for restitution of conjugal rights and when the petitioner herein has filed his response pointing out as to how the unfaithful conduct of the 2nd respondent has led to the irrecoverable breakdown of the marriage between them, on 11-09-2013, the 2nd respondent approached the Women Police Station, Rajahmundry and

lodged a complaint registered as Crime No.125 of 2013 for the offences punishable under Sections 498-A and 304 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, falsely alleging that the petitioner and his parents have demanded dowry. The case of the petitioner is that when the marriage between himself and the 2nd respondent has been performed on 23-08-2000 without the consent and presence of his parents and when the 2nd respondent is aware personally that they have never shared anything with his parents, brother and sister, the question of their harassing the 2nd respondent demanding dowry does not arise and that the 2nd respondent has tried to implicate his parents and siblings by filing a complaint nearly 13 years after the marriage. The 2nd respondent has also filed M.C.No. 32 of 2013 before the Family Court at Rajahmundry. In view of the surgery undergone by the petitioner to his spinal cord, on 23.05.2013 at Hyderabad and upon medical advice, he is not in a position to undertake travel to Rajahmundry and hence, he sought for transfer of M.C.No. 32 of 2013 to the file of the learned Judge, Family Court at Hyderabad.

Since none appears for the petitioner, I do not have any information as to whether M.C.No. 32 of 2013 is still pending before the Family Court, Rajahmundry or not. Further, two-year period has already over from the time the petitioner has undergone surgery to his spinal cord on his complaint of low back pain. Further, the petitioner has asserted in para 10 of the petition that he was voluntarily paying maintenance of Rs.5,000/- per month to the 2nd respondent in addition to Rs.10.00 lac, which he has already sent to the 2nd respondent from the year 2003 onwards.

M.C.No. 32 of 2013 is pending for more than two years. If the same is now transferred to Hyderabad, it will cause further delay in its disposal. Therefore, the ends of justice would be adequately met if the Family Court at Rajahmundry is advised to dispose of the same, if not already done by now, within the next three sessions, so that the petitioner may not be required to undertake trips to Rajahmundry on many occasions.

Thus, the ends of justice would be more adequately served by directing the Family Court at Rajahmundry to deal with M.C.No. 32 of 2013, as spelt out supra, instead of transferring it to Hyderabad and causing inconvenience to Respondents 2 and 3 from attending to the said proceedings.

With this, the Transfer Criminal Petition is disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J.

mrk

12.06.2015.