

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.559 OF 2015

SANDEEP CHANDRAKANT BHAMURE & ORS.)...APPLICANTS

V/s.

VISHAKHA SANDEEP BHAMBURE & ORS.)...RESPONDENTS

Mr.M.P.Panchakshari, Advocate for the Applicant.

Ms.Rohini Dandekar, Advocate for Respondents.

Mr.S.V.Gavand, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 31st MARCH 2017

P.C. :

1 This is an application for transfer of proceedings in Criminal Miscellaneous Application No.2293 of 2013 under provisions of Protection of Women from Domestic Violence Act, 2005, (hereinafter Domestic Violence Act for the sake of brevity) filed by respondents before the learned JMFC, Pune, to the file of JMFC, at Thane.

2 Heard the learned advocate appearing for applicants who are original respondents in the proceedings under the Domestic Violence Act. He vehemently argued that that an aggrieved person though filed the proceedings in the court of the learned JMFC at Pune, while residing at Pune, with passage of time, she had shifted her residence to Thane, and therefore, for general convenience of parties, it would be appropriate to transfer the proceedings under the Domestic Violence Act from the court at Pune to the court at Thane. The learned advocate further argued that children of the couple are still taking education at Thane which will go to show that an aggrieved person is residing at Thane, and as such, in the fitness of things, proceeding needs to be transferred to Thane.

3 I have also heard heard the learned advocate appearing for the respondents. She argued that an aggrieved person is still residing at Pune but in order to secure school education of her children, they are kept in the house of her aunt at Thane, from where they are attending the school.

4 Proceedings can be transferred for general convenience of the parties. Duly sworn affidavit of the aggrieved person shows that she is residing at Pune at the house of Vikas Chandrakant Jagtap, situated at Lane No.9, Erandwane, Pune. In the wake of the fact that duly sworn testimony of an aggrieved person shows that she is residing at Pune, proceedings initiated by her at Pune, as per provisions of Section 27 of the Domestic Violence Act cannot be transferred to Thane. General convenience of the parties include convenience of the aggrieved person who is the master of the litigation initiated by her. Proceedings in the Domestic Violence Act are quasi civil in nature and respondents therein are not accused. Therefore, it cannot be said that proceedings pending at Pune would cause great inconvenience to present applicants / original respondents.

5 In this view of the matter, the following order :

i) The application is rejected.

(A. M. BADAR, J.)