

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION No.139 of 2017

ORDER:

Heard learned counsel for petitioner and respondent No.2 and learned Public Prosecutor for the State and perused the record.

This petition is filed seeking transfer of M.C.No.41 of 2016 from the Court of Judicial First Class Magistrate, Jangareddygudem, to the Family Court, Secunderabad.

Learned counsel for the petitioner would submit that there was no consummation of marriage between the petitioner and respondent No.2. Respondent No.2 worked at Hyderabad in INBISCO India Private Limited and she resigned the job. Now, she is working in Heemankshi Bakers Private Limited, situated at JP Dargah Road, Mekaguda, Kothuru Mandal, Mahabubnagar District. It is 70 kms away from the Family Court, Secunderabad. Further, a false case was registered against the petitioner and his parents for the offence punishable under Section 498-A IPC on a complaint given by respondent No.2. Learned counsel would also submit that the Family Court, Secunderabad, is convenient to the petitioner as well as respondent No.2 in view of their

employment and ultimately, prayed to allow the petition as prayed for.

On the other hand, learned counsel for respondent No.2, on instructions, would submit that when the petitioner was working at Automotive Robotics Engineering Services India Private Limited, Hyderabad, he used to visit respondent No.2 and harass her. Therefore, she was forced to quit the employment. She worked in Heemankshi Bakers Private Limited for some time as Quality Incharge and later, she resigned that employment also. Now, she is living with her parents at Koyyalagudem. Therefore, the Court of Judicial First Class Magistrate, situated at Jangareddygudem has jurisdiction to dispose of M.C. filed by respondent No.2. There are no justifiable grounds to transfer M.C.No.41 of 2016 to the Family Court, Secunderabad and ultimately, prayed to dismiss the petition.

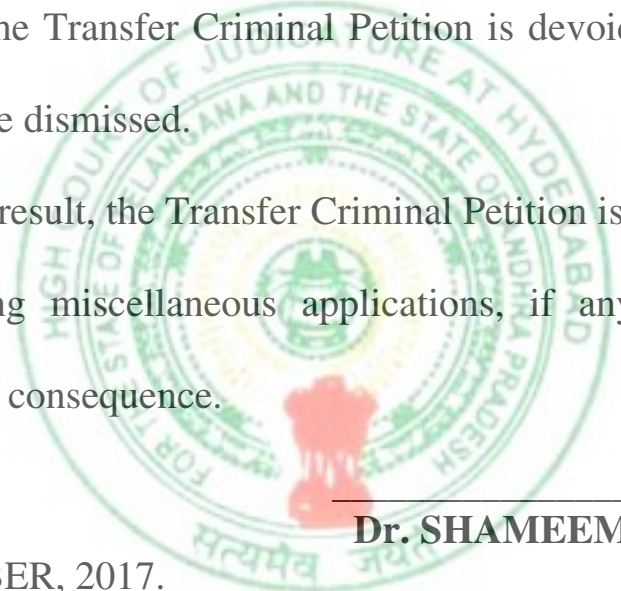
In view of the contentions put forth by the learned counsel for both the parties, the point for determination is whether M.C.No.41 of 2016 can be transferred as prayed for?

It is evident from a copy of petition filed under Section 125 Cr.P.C. that respondent No.2 is originally a resident of Koyyalagudem, West Godavari District and the petitioner is a resident of Katrenikona of East Godavari District. In view of her present residence at Jangareddygudem, respondent No.2 filed

Maintenance Case before the Court of Judicial First Class Magistrate at Jangareddygudem, and that Court has jurisdiction to try and dispose of the said Maintenance Case. It is brought to the notice of this Court that there are several grave issues/disputes between the petitioner and respondent No.2. As respondent No.2 is residing within the territorial jurisdiction of Judicial First Class Magistrate, Jangareddygudem, she filed Maintenance Case before the said Court as it is convenient to her. Therefore, the Transfer Criminal Petition is devoid of merit and is liable to be dismissed.

In the result, the Transfer Criminal Petition is dismissed.

Pending miscellaneous applications, if any, shall stand dismissed in consequence.

A large, faint, circular watermark seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh, is centered in the background. The seal features the text 'HIGH COURT OF JUDICATURE AT HYDERABAD' and 'STATE OF ANDHRA PRADESH' around the perimeter, with a central emblem and the motto 'सत्यमेव जयते' at the bottom.
Dr. SHAMEEM AKTHER, J
11th OCTOBER, 2017.

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