

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.561 OF 2017

Mr. Ujwal Singh Manhas

... **Applicant**

V/s.

Mrs. Jyostna Ujwal Shahi Manhas & Ors.

... **Respondents**

Ms Seema Sarnaik for the Applicant.

Mr. A.R. Kapadnis, APP for the Respondent State.

Ms Kavita Kulkarni a/w. Mr. Prasad Kulkarni for Respondent No.1.

Mr. Tanmay Vispute for Respondent Nos.2 and 3.

CORAM : A.S.GADKARI, J.

DATE : 22nd MARCH 2018

P.C.:

1. This is an application under Section 407 of Cr.P.C. for transfer of Criminal Miscellaneous Application No.3980 of 2016 filed by Respondent No.1 wife in the Court of Judicial Magistrate First Class, Court No.4 at Pune to the Family Court at Pune.
2. Heard the learned counsel for the applicant and the learned counsel appearing for Respondent Nos.1 to 3. Perused the record.
3. The record indicates that, the applicant has filed a petition under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955 against Respondent No.1 before the Family Court at Pune on 31.10.2015 and

the said proceedings are pending for final adjudication. The record further indicates that Respondent No.1 wife thereafter filed Criminal Miscellaneous Application No.3980 of 2016 in the Court of Judicial Magistrate First Class at Pune under Section 12 and other related provisions of Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the “Domestic Violence Act”) on 25.08.2016.

4. Section 26 of the Domestic Violence Act gives jurisdiction to the Family Court to grant relief under Sections 18 to 22 of the said Act to the aggrieved person. Thus, the Family Court is empowered to hear and dispose of the said Criminal Miscellaneous Application No.3980 of 2016 filed by Respondent No.1. If the said Criminal Miscellaneous Application No.3980 of 2016 is transferred to the Family Court at Pune, the said Court will be able to decide both the applications and the parties herein need not have to attend two different Courts for the said proceedings. It is further to be noted here that, if the said application is transferred to the Family Court at Pune, no undue hardship or inconvenience would be caused to Respondent No.1, who otherwise also attends the Family Court and comes from Lucknow on each and every occasion.

5. In view of the above, the present application is allowed in terms of prayer clause (b),
6. The learned Judicial Magistrate First Class at Pune seized of Criminal Miscellaneous Application No.3980/2016 is hereby directed to transmit the papers of the said case to the Family Court at Pune by following the necessary procedure within a period of three weeks from the date of receipt of this Order.
7. Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)