

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

TRANSFER CRIMINAL PETITION NO.167 OF 2017

ORDER:

This petition is filed under Section 407 Cr.P.C. to withdraw DVC No.100 of 2015 on the file of the Judl. I Class Magistrate-cum-Special Mobile Magistrate, Guntur and transfer the same to any other Judl. Magistrate of I Class Court, Tadepalligudem, West Godavari District.

2. Heard learned counsel for the petitioners and perused the record.

3. It is submitted that the petitioner-husband filed a petition for divorce and the 2nd respondent-wife filed a petition for restitution of conjugal rights. Both the petitions are pending before the Court at Tadepalligudem. It is further submitted that it is convenient for the petitioner as well as the respondent to attend the Court at Tadepalligudem.

4. The 2nd respondent filed DVC No.100 of 2015 before the Judl. Magistrate of I Class-cum-Special Mobile Magistrate, Guntur, which has jurisdiction to try the DVC case. In the circumstances, grant of relief under DVC Act is distinct from grant of relief in divorce or restitution of conjugal rights applications. If the DVC case is not withdrawn and transferred as prayed for, no prejudice would be caused to the petitioners. Therefore, there are no grounds to concede the request of the petitioners.

5. Accordingly, the Transfer Criminal Petition is dismissed. Miscellaneous petitions, if any pending in this Petition shall stand closed.

DR.SHAMEEM AKTHER, J

DATED: 26-02-2018.

Hsd