

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

CRIMINAL APPLICATION NO. 273 OF 2019

Dr. Santosh Kumar Shetty Applicant
 Vs.
Mrs. Smita Shetty & Another Respondents

Mr. Niranjan Shimpi, Advocate for the Applicant.
Mr. A.R. Kapadnis, APP for the State – Respondent no.2
Mrs. Smita Shetty – Respondent no.1 present in person.

Coram : NITIN W. SAMBRE, J.
Date : 20th November 2019

P.C.:

1. Heard.
2. The applicant-husband is seeking transfer of Criminal Case No. 143/DV of 2015 from the file of learned Metropolitan Magistrate, 72nd Court at Vikhroli, Mumbai to the Family Court at Bandra, where the divorce petition being Petition No. 2262 of 2016 is pending. The submissions are that the applicant is resident of District Udupi in Karnataka and a dentist by profession. As such, it will be convenient for either of the parties to attend the proceedings in the Family Court, instead of attending the same at two different places i.e. at Bandra and

Vikhroli. The respondent no.1, who appears in person objected to the transfer of the case on the ground that the proceedings at Family Court, Bandra are going at a snail's speed and the present applicant is not attending the Court proceedings on each date he is represented through lawyers.

3. Be that as it may, the fact remains that both the proceedings i.e. under D.V. Act and Hindu Marriage Act are pending within the jurisdiction of Family Court at Bandra

4. The fact remains that the proceedings are arising out of the matrimonial dispute. So as to avoid multiplicity and to look into the convenience of the parties, in my opinion, the application needs to be allowed in terms of prayer clause (a).

(NITIN W. SAMBRE, J.)