

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

Tr.CrI.P.No.123 OF 2017

ORDER:

This Criminal Petition, under Section 407 of the Code of Criminal Procedure, 1973, is filed by the petitioner-husband, to withdraw M.C.No.4 of 2017 pending on the file of the Family Court, City Civil Courts at Secunderabad and to transfer the same to the Family Court or any other competent Court at Nampally, Hyderabad.

2. Heard the learned counsel for the petitioner, the learned counsel for respondent No.1, the learned Additional Public Prosecutor representing respondent No.2/State and perused the record.

3. This matter underwent several adjournments without there being any interim order.

4. Learned counsel for the petitioner-husband would contend that the respondent-wife filed a Domestic Violence Case before the IV Metropolitan Magistrate, Erramanzil at Hyderabad and the present petition seeking maintenance is filed before the Family Court, City Civil Courts at Secunderabad only to harass the petitioner and ultimately, prayed to withdraw the said M.C. and transfer the same to the Family Court at Nampally.

5. Learned counsel for the respondent-wife opposed to grant the relief sought for.

6. It is for the respondent-wife to choose where to institute the petition. Filing of DVC case before a different Court cannot be a ground to allow this petition. The petition is devoid of merit and is liable to be dismissed.

7. In the result, the Transfer Criminal Petition is dismissed.

Pending miscellaneous petitions, if any, shall stand dismissed.

DR. SHAMEEM AKTHER, J

Date: 27.03.2019
ssp

