

HONOURABLE JUSTICE G. SRI DEVI

TRANSFER CRIMINAL PETITION No.6 of 2019

ORDER:

The present Transfer Criminal Petition is filed by the petitioners, who are accused Nos.1 and 2 in C.C.No.2407 of 2018 on the file of the III-Additional Junior Civil Judge-cum-XI-Additional Metropolitan Magistrate, Kukatpally, Cyberabad, seeking transfer of the said C.C.No.2407 of 2018 to the Court of the I-Additional Junior Civil Judge, Khammam, where C.C.No.330 of 2018 filed by the 1st petitioner against the 2nd respondent herein is pending.

Heard learned Counsel for the petitioners, learned Additional Public Prosecutor for the 1st respondent-State and learned Counsel for the 2nd respondent/complainant.

It is stated in the affidavit filed in support of the petition that the marriage of the 1st petitioner with the 2nd respondent/complainant was solemnised on 12.11.2016 at Pedakakani Village of Guntur District. At the time of marriage, the 2nd petitioner, who is the mother of the 1st petitioner, gave an amount of Rs.3,00,000/- towards dowry apart from 8 tulas of gold ornaments. After the marriage, the 1st petitioner joined with the company of the 2nd respondent/complainant at Hyderabad and led marital life for one month, thereafter, the 2nd respondent/complainant started harassing the 1st petitioner both mentally and physically for want of additional

dowry and the 2nd respondent/complainant necked out the 1st petitioner from his house. As such, on 09.11.2017, the 1st petitioner made a complaint before the Women Police Station, Khammam, against the 2nd respondent/complainant. As the 2nd petitioner is aged about 65 years and suffering with old age ailments, she could not able to maintain the 1st petitioner, the 1st petitioner filed M.C.No.42 of 2018 before the Judge, Family Court, Khammam, seeking maintenance. Along with the M.C., the 1st petitioner also filed CrI.M.P.No.199 of 2018, seeking interim maintenance of Rs.5,000/-. During the pendency of Section 498-A I.P.C. case vide C.C.No.330 of 2018 and Maintenance Case vide M.C.No.42 of 2018, the 2nd respondent/complainant filed a private complaint with false and frivolous allegations, which was referred to the police and the police registered a case in Crime No.90 of 2018 against the petitioners for the offences punishable under Sections 420, 406, 448, 379, 506 read with 34 of I.P.C. After completion of investigation, the police filed charge sheet, which was taken cognizance as C.C.No.2407 of 2018. It is also stated that the petitioners do not have any male support and, therefore, it is difficult for them to travel from Khammam to Hyderabad to appear in the above C.C. on each and every date of adjournment. It is further stated that the 2nd respondent/complainant is appearing before the Court at Khammam in C.C.No.330 of 2018 and M.C.No.42 of 2018 and if the C.C.No.2407 of 2018 filed by the 2nd respondent/complainant is

transferred to Khammam Court, no prejudice would be caused to the 2nd respondent/complainant.

Learned Counsel appearing for the 2nd respondent/complainant would submit that inconvenience of the accused to travel a long distance is not a valid ground to transfer the proceedings, as such the Transfer Criminal Petition is liable to be dismissed. In support of his contention, he relied upon the judgment of the Apex Court in **Rajesh Talwar v. Central Bureau of Investigation and others**¹.

A perusal of the record would reveal that the 1st petitioner/wife filed C.C.No.330 of 2018 against the 2nd respondent/husband and others for the offences punishable under Sections 498-A and 506 I.P.C. and also M.C.No.42 of 2018 against the 2nd respondent seeking maintenance from him, which are pending before the I-Additional Junior Civil Judge Court and Family Court respectively at Khammam. After filing of the above cases, the 2nd respondent/complainant filed a complaint against the petitioners and the same is pending before the III-Additional Junior Civil Judge-cum-XI-Additional Metropolitan Magistrate, Kukatpally, Cyberabad, vide C.C.No. 2407 of 2018. It is stated in the affidavit that the 2nd petitioner is aged about 65 years and the petitioners have no male support and, therefore, it is difficult for them to travel from Khammam to Hyderabad on every date of adjournment in

¹ (2012) 4 SCC 217

C.C.No.2407 of 2018 and the 2nd respondent/complainant has been attending before the Courts at Khammam in C.C.No.330 of 2018 and M.C.No.42 of 2018.

Taking into consideration the convenience of the parties, I feel that it is expedient to transfer C.C.No.2407 of 2018 from the file of the III-Additional Junior Civil Judge-cum-XI-Additional Metropolitan Magistrate, Kukatpally, Cyberabad, to the Court of the I-Additional Junior Civil Judge, Khammam, to be tried along with C.C.No.330 of 2018.

Accordingly, the Transfer Criminal Petition is allowed and C.C.No.2407 of 2018 is withdrawn from the file of the III-Additional Junior Civil Judge-cum-XI-Additional Metropolitan Magistrate, Kukatpally, Cyberabad and transfer to the Court of the I-Additional Junior Civil Judge, Khammam, to be tried along with C.C.No.330 of 2018.

Miscellaneous petitions, if any, pending shall stand dismissed.

JUSTICE G. SRI DEVI

20.02.2020
gkv/Gsn

