

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.2157 OF 2022

**DIPALI MAHESH JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. Swami Sandeep C
APP for Respondent/State : Ms. V.S. Choudhari

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CORAM : S.G. MEHARE, J.

DATED : 30th SEPTEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant.
2. The applicant is the wife of respondent no.2 – Mahesh. They had matrimonial discord. Hence, she has filed application under Protection of Women from Domestic Violence Act, 2005 and sought various reliefs. The proceeding under section 498-A of the Indian Penal Code has also been filed against the respondents. The applicant has a case that the respondents were harassing her for withdrawing the complaint lodged by her. When the proceeding under Domestic Violence Act was filed, she was residing with her husband in the same house. Since she was pressurized to withdraw the case filed under Section 498-A, she got apprehension of danger to her life at the hands of the respondents. Therefore, she shifted to Kandhar. She is residing there with her parents. She has no house to

reside at Aurangabad. It would be very inconvenient and expensive for her to attend the domestic violence proceeding at Aurangabad. Hence, her proceeding may be transferred to the Court of JMFC at Kandhar, District Nanded.

3. There appears substance in the submission of the applicant. The matrimonial tie appears to have been broken, therefore, she was to shift to Kandhar to the house of her parents. The possibility of threatening her to withdraw the criminal case cannot be ruled out. The notices were served upon the respondents but they did not heed. Therefore, the contention of the applicant cannot be disbelieved. Hence, the following order :

ORDER

- I) Application is allowed.
- II) PWDVA No.232 of 2019 pending on the file of learned JMFC, Aurangabad be transferred to the Court of learned JMFC at Kandhar, District Nanded.
- III) The learned JMFC, Aurangabad shall transfer the above petition to the Court of learned JMFC at Kandhar through learned Principal District Judge, Aurangabad. After receiving the proceedings, the learned JMFC, Kandhar shall deal the application according to the law.

(S.G. MEHARE, J.)