

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3342 OF 2021

DINKAR S/O SHESHERAO MASKE AND OTHERS
VERSUS
PUNAM W/O DINKAR MASKE @
PUNAM D/O MACCHINDRA BHALERAO

.....
Advocate for Applicants : Mr. S. S. Nade

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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 08-03-2022

ORDER :

1. Present application has been filed under Section 407 and 482 of Cr.P.C. by the applicants for transfer of Cri.Misc.Application No.3055 of 2021 pending before learned Judicial Magistrate First Class, Pune to Beed.
2. Heard learned Advocate Mr. S. S. Nade for applicants. It is not even necessary that the notice should be issued to the respondent taking into consideration the facts of the case.
3. Present respondent is the wife of applicant No.1 and applicants No.2 to 5 are the relatives of applicant No.1. It appears that respondent has filed Cri.Misc.Appln.No.805 of 2017 under Domestic

Violence Act before Chief Judicial Magistrate, Beed. However, that application came to be dismissed for want of prosecution on 27-05-2019 by learned 9th Judicial Magistrate First Class, Beed. Thereafter, it appears that another petition was filed jointly by applicant No.1 and respondent for divorce under Section 13(B) of the Hindu Marriage Act. On 29-08-2019 it was submitted to learned 2nd Joint Civil Judge Senior Division, Beed that the applicants have settled the matter amicably out of the Court, and therefore, they do not want to proceed with the matter, accordingly withdrawal pursis was filed, and therefore, the petition was disposed of as withdrawn. Thereafter, it appears that the respondent has filed Cri.Misc.Appln. No.3055 of 2021 before before Judicial Magistrate First Class, Pune for the reliefs under Domestic Violence Act. According to the applicants, the respondent is residing in Beed and in the earlier petitions before Beed Court she has given that address. Accordingly her Aadhar Card also bears the same address, and therefore, whatever address she has given for filing the application under Domestic Violence Act before the Judicial Magistrate First Class, Pune, is wrong or false, and therefore, that matter should be transferred to Beed.

4. It is to be noted that after the learned Judicial Magistrate First Class, Pune was satisfied with the residential address of which list appears to have been given and the photocopy of the said list has been provided at page No.44, the further proceedings have been taken up by Judicial Magistrate First Class (Court No.6), Pune and notice has been issued. If the applicants want to dispute her residential address and the jurisdiction of Judicial Magistrate First Class, Pune, then the applicants should take necessary steps for that and transfer cannot be the solution. Transfer can be effected only on the grounds those are enumerated in Section 407 of Cr.P.C.. The reasons those have been given in the application are not in consonance with the said section, and therefore, there is no question of exercise of inherent powers of this Court under Section 482 of Cr.P.C. The application, therefore, stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.