

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

CRIMINAL APPLICATION NO. 247 OF 2021

Pradeep Kisan Mane	...Applicant
Versus	
Shital Pradeep Mane And Anr	...Respondents

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Ms. Manisha A. Devkar , Advocate for the Applicant.

Mr. Rajaram V. Bansode, the Respondent No.1.

Mr. A. D. Kamkhedkar, APP for Respondent-State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 4th AUGUST, 2022

PC :

1. The applicant is seeking transfer of the proceeding initiated by respondent No.1 under the Domestic Violence Act from the Court of learned JMFC, Dahiwadi, District Satara to the Court of learned JMFC, Panvel, District- Raigad.

2. The proceedings are arising out of matrimonial dispute between the applicant and respondent No.1. They are husband and wife. The respondent No.1 had initiated proceedings under the Domestic Violence Act in October 2020 and thereafter, the applicant had filed Hindu Marriage Petition before the Court of Civil Judge Senior Division at

Panvel.

3. Learned advocate for applicant submits that respondent No.1 was residing within the jurisdiction of Panvel. She has deliberately initiated proceeding under the Domestic Violence Act in the Court of learned JMFC, Dahiwadi with a view to harass the applicant. The documents on record would indicate that respondent No.2 was residing at Panvel. The proceedings initiated by respondent No.1 can be transferred to the Court of Civil Judge Senior Division at Panvel. It is not necessary to pursue the proceedings at two different places. Proceedings are between same parties. The reliance is placed on decision of **Vijay Sudhakar Patil Vs. Asha Vijay Patil**¹.

4. Learned advocate for respondent No.1 submitted that parental home of the respondent No.1 is at Dahiwadi. She has initiated the proceedings under Domestic Violence Act. Hindu Marriage Petition preferred by applicant subsequently, in the petition filed by applicant. The addressed of the respondent No.1 is shown as Taluka Mahad, District Satara. It is not necessary to transfer the

¹ 2015 (1) Mh.L.J.(Cri.) 43

proceeding initiated by respondent No.1 to the Court at Panvel. The respondent No.1 is lady. She has been harassed by applicant.

5. I have perused the documents and decision relied upon by learned advocate for applicant. The proceedings under the Domestic Violence Act are initiated by respondent No.1 which is followed by Hindu Marriage Petition. The respondent No.1 is presently residing at Mahad District Satara. The decision relied upon by applicant was delivered in the facts of that case, I do not find any reason to transfer the proceedings as prayed by applicant.

6. Criminal Application stands rejected.

(PRAKASH D. NAIK, J.)