

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.389 OF 2021

Sagar Annasaheb Chavan and others

Applicants

versus

The State of Maharashtra and others

Respondents

Ms.Anita Murgude with Ms.Trisha A.Singh, Advocate for applicants.  
Ms.Ashwini R. Chindarkar i/by Mr.Rishikesh D. Chindarkar, Advocate  
for respondent nos.2 and 3.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 12<sup>th</sup> July 2022

PC :

1. This application has been preferred u/s.407 of Code of Criminal Procedure seeking transfer of proceedings.

2. Respondent no.2 has initiated proceedings under Protection of Women from Domestic Violence Act ('D.V.Act') against petitioners which are pending in the Court of learned Metropolitan Magistrate, 5<sup>th</sup> Court, Bhoiwada, Dadar, Mumbai. Respondent no.2 has also preferred divorce petition before Family Court, at Bandra. Petitioner no.1 has initiated the proceedings u/s/9 of Hindu Marriage Act for restitution of conjugal rights before the Court of Civil Judge, Senior Division, at Thane.

3. Learned counsel for petitioners submit that petitioners are required to attend the proceedings before three different Courts. Hence all the three proceedings may be tried before Family Court, at

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Bandra where the divorce petition filed by respondent no.2 is pending.

4. Learned advocate for respondent nos.2 and 3, on instructions, submitted that proceedings referred to hereinabove can be transferred to Family Court, at Bandra. The said Court may be directed to conclude the proceedings expeditiously. It is further submitted that respondent no.2 has initiated proceedings under D.V.Act. The proceedings therein are referred to mediation

5. Considering the submissions of both sides, I pass following order :

#### **ORDER**

- (i) The proceedings under D.V.Act being CC No.169/DV/2021, petition for restitution of conjugal rights preferred by petitioners viz M.J. Petition No.630 of 2021 pending in the Court of Civil Judge, Senior Division, Thane shall stand transferred to the Family Court at Bandra, and shall be heard along with divorce petition initiated by respondent no.2 viz M.J.Petition being Petition A-3543 of 2021;
- (ii) The Family Court, at Bandra is requested to decide the proceedings expeditiously;
- (iii) Any application for maintenance or for any other relief urged by respondent no.2 wife, may be given priority and disposed off expeditiously;
- (iv) Criminal Application is disposed of.

(PRAKASH D. NAIK, J.)