

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

CRIMINAL APPLICATION NO. NO. 390 OF 2021

Akshay Vilas Kamble And Ors.	...Applicants
Versus	
Jayshree Akshay Kamble And Anr.	...Respondents

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Mr. Abdul Kadar Millawal, Advocate for the Applicant.
 Mr. Ashish Satpute, Advocate for the Respondent No.1.
 Mr. Arfan Sait, APP for the Respondent – State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	7th SEPTEMBER, 2022.

PER COURT:

1. The applicants are seeking transfer of proceedings in M.A. No. 168 of 2020 filed by Respondent No.1 under the provisions of Protection of Women from Domestic Violence Act, pending before the J.M.F.C., at Vita, Sangli to the Court of Civil Judge Senior Division at Pune. Applicants are Respondents in M.A. No.168 of 2020. The Respondent No.1 herein is the wife of applicant No.1. the applicant Nos. 2 to 5 are relatives of applicant No.1. The Respondent No.1 filed divorce petition in the Court of Civil Judge Senior Division Pune, being Marriage Petition No. 19 of 2021.

2. The contention of applicants is that, Respondent No.1 is resident of Pune. After the Marriage the applicants and Respondent No.1 resided at Pune. However, M.A. No.168 of 2020

is filed at Sangli. The Respondent No.1 has filed First Information Report No.608 of 2020 with the Wakad Police Station, Pune for offences under Sections 498-A, 323, 504, 506 r/w 34 of Indian Penal Code. Respondent No.1 has filed petition for divorce in the Civil Court of Senior Division Pune. She has claimed maintenance in proceedings under Section 24 of Hindu Marriage Act, against applicant No.1. No prejudice would be caused to Respondent if the proceedings of Domestic Violence Act are transferred to Civil Court Senior Division Pune. The Civil Court has jurisdiction to try proceedings under Protection of Women from Domestic Violence Act.

3. Respondent has filed an affidavit and opposed the transfer of proceeding from J.M.F.C. Vita to the family Court but she has no objection for transferring the proceedings under the Domestic Violence Act, which are pending in the Court of J.M.F.C., Vita to the Court of J.M.F.C. at Pimpri. The Respondent No.1 was residing relevant time Vita but subsequently shifted her residence at Mamurdi, Pune in December 2020 and therefore, she has no objection to transfer Criminal M.A. No.168 of 2020 from the Court of J.M.F.C. at Vita, Sangli to the Court of J.M.F.C. at Pimpri. Learned Advocate for Respondent No.1 submit that proceedings in

M.A. No.168 of 2020 may not to be transferred to Civil Court senior Division, Pune. The applicants and Respondent are residing within the territorial Jurisdiction of J.M.F.C. at Pimpri, Pune.

4. Learned Counsel for the applicant on instructions submit that the proceedings under the Domestic Violence Act, pending in the Court of J.M.F.C., Vita may be transferred to the Court of J.M.F.C., Pimpri.

5. Considering the aforesaid aspects, I pass the following order;

ORDER

- i. Proceedings in M.A. No.168 of 2020, pending in the Court of J.M.F.C. Vita, Sangli are transferred to Court of J.M.F.C., Pimpri, Pune.
- ii. The Court of J.M.F.C., Pimpri, Pune shall proceed with the transferred proceedings in M.A. No.168 of 2020 initiated under the provisions of Protection of Women from Domestic Violence Act, in accordance with law.
- iii. Application is disposed off.

(PRAKASH D. NAIK, J.)