



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

CRIMINAL APPLICATION NO.2535 OF 2023

SUNIL SUDHAKAR KULKARNI
VERSUS
SMITA SUNIL KULKARNI

Mr. J. A. Menezes, Advocate for the applicant
Mr. A. N. Sabnis, Advocate for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 7th DECEMBER, 2023

P.C. :-

1. This application is filed under Section 407 of the Code of Criminal Procedure for transfer of proceedings PWDVA No. 109 of 2021 pending before the JMFC, Latur to Family Court, Latur before whom the petitions filed under Section 125 of Cr.P.C. as well as the petition under the Hindu Marriage Act are pending.

2. Learned counsel for the petitioner by relying upon the judgment of this Court in case of **Dr. Sandeep Shekar Sheety Versus. Dr. Sarika Sandeep Shetty** in **Misc. Civil Application No. 125/2020, dated 8th October, 2021** and in case of **Hitesh Prakashmalji Mehta Vs. Aashika Hitesh Mehta** in **Misc. Civil Application (ST) No. 788/2020 dated 28th September, 2020** seeks transfer of the proceeding in question with submission that it would be in interest of

both sides that all three proceedings are conducted before the same Court.

3. Learned counsel for the respondent objected to the transfer of the proceeding under DV Act to the Family Court, however, he does not dispute position of the law that there is no impediment in transfer of the proceedings from JMFC to Family Court.

4. Having regard to the judgment of this Court in case of ***Dr. Sandeep Shekar Sheety Versus. Dr. Sarika Sandeep Shetty and Hitesh Prakashmalji Mehta Vs. Aashika Hitesh Mehta***, this Court finds no impediment in allowing application. No prejudice will be caused to either side by calling upon one Court to decide all connected proceedings. Hence application is allowed in terms of prayer clause (B).

5. It is open for the parties to make a request before the Family Court either for clubbing as well as expeditious disposal of the proceedings.

(R. M. JOSHI, J.)

ssp