

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

CRIMINAL APPLICATION NO. 386 OF 2021

Chandrashekhar Mahadev Patil	..Applicant
Versus	
Pareenita Chandrashekhar Patil & Ors.	..Respondents

Mr. Sidheshwar N. Biradar for Applicant.
Mr. Ajit Hon i/b. PNP & Associates for Respondent Nos.1 to 3.
Mr. Arfan Sait, APP for State.

CORAM : SARANG V. KOTWAL, J.
DATE : 13 JUNE 2023

PC :

1. The Applicant has prayed for transfer of Criminal Miscellaneous Application No.405 of 2016 filed under the Protection of Women from Domestic Violence Act, 2005 pending before the J.M.F.C., Cantonment Court, Pune to the Court of J.M.F.C., Mangalwedha, District Solapur.
2. Heard Shri. Sidheshwar Biradar, learned counsel for the Applicant, Shri. Ajit Hon, learned counsel for the Respondents and learned APP for the State.
3. The case of the Applicant is that, though, the Respondent

No.1/wife alongwith their children is residing at Pune, there are civil litigations pending in Mangalwedha. The Applicant has filed R.C.S.No.95 of 2015 in which the Respondent No.1 has joined herself as one of the defendants and she is participating in that proceeding. The Respondent No.1 had filed R.C.S.No.14 of 2019 before the Civil Judge, Senior Division, Pandharpur, District Solapur. She is also participating in Misc. Civil Application No.69 of 2019 before the District Court at Pandharpur and the application before the competent authority at Mangalwedha under the Land Acquisition Act. He, therefore, submitted that, since she is participating in all these proceedings at Mangalwedha, the only case which is pending in Pune Court needs to be transferred to Mangalwedha.

4. Learned counsel for the Respondent No.1 opposed this application. He submitted that the R.C.S.No.14 of 2019 before the Civil Judge, S.D., Pandharpur is dismissed because the Respondent No.1 could not diligently follow those proceedings. The Appeal arising out of Exhibit-5 application in the said suit was also dismissed which shows that she was unable to attend the Court at

Mangalwedha.

5. I have considered these submissions. The Respondent No.1 along with her children are residing in Pune. It was well within her rights to file her complaint in the court at Pune. As submitted by learned counsel for the Respondent No.1 she could not attend the proceedings in Mangalwedha. The difficulty of the Respondent No.1 appears to be genuine and she has a right to proceed with her complaint in the Court at Pune.

6. In this view of the matter, I do not see any reason to transfer the proceeding under the Protection of Women from Domestic Violence Act from the Pune Court to the Court at Mangalwedha. Consequently, the application is rejected.

(SARANG V. KOTWAL, J.)