

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

CRIMINAL WRIT PETITION NO. 482 OF 2023

Dr. Kinaz Salim Ansari ... Petitioner
v/s.
Mrs. Anam Arshi Ansari and anr. Respondents

Ms. Rimpal Trivedi for the Petitioner.
Mr. Rajendra Rathod a/w. Aamir Koradia for the Respondent No.1.
Mr. R.M. Pethe, APP for Respondent No.2-State.

CORAM: R.G. AVACHAT, J.

DATED : 01st MARCH, 2023.

P. C. :-

. Heard.

2. This Petition has been moved by the husband of the Respondent for transfer of the proceedings namely Application filed under section 12 of The Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') being C.C.No.101/DV/2022 from the file of learned Magistrate, 69th Court, Mazgaon (Sewri), Mumbai to Family Court, Bandra, Mumbai for being heard together with Petition No.D/161/2022.

3. Perused the order dated 09/12/2022 passed by the Division Bench of this Court in Criminal Writ Petition No.4419/2022. The

Petitioner/husband has already filed the proceedings before the Family Court for various reliefs to protect the custody of his children with him. The Respondent/wife later on moved DV proceedings which are sought to be transferred by the Petitioner to the Family Court. In DV proceeding, the Respondent/wife has sought for orders for granting custody of children who are presently in the custody of the Petitioner/husband. As such, it would be a matter of common evidence. Furthermore, it would be in the interest of both the Petitioner/husband and the Respondent/wife to have both the proceedings decided by one and the same Court.

4. In view of the above, the Petition is allowed in terms of the following order :-

(a) The DV proceedings namely C.C.No.101/DV/2022 pending on the file of learned Magistrate, 69th Court, Mazgaon (Sewri), Mumbai is transferred to the Family Court, Bandra, Mumbai which is seized of the Petition No.D/161/2022.

(b) The Family/Transferee Court shall decide the application relating to custody of the children within three weeks from the date of receipt of copy of this order.

(c) The Family Court is also directed to decide the application for interim maintenance within a period of six weeks from the date of receipt of copy of this order.

5. Writ Petition stands disposed of in above terms.

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(R.G. AVACHAT, J.)