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

CRIMINAL APPLICATION NO.376 OF 2022

Mahesh Kumar Singh ... Applicant
V/s.
Nisha Mahesh Singh and Anr ... Respondents

Ms. Swapna P. Kode, for the applicant.

Mr. A.R. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 13, 2023

P.C.:

1. The application is filed for transfer of the proceeding under the provisions of Domestic Violence Act, 2005 pending before the learned 49th Metropolitan Magistrate Court, Vikhroli, Mumbai to Family Court, Mumbai.

2. Marriage between the applicant and respondent took place on 6th February, 2016. Due to the matrimonial differences, the applicant and respondent No.2 started residing separately. The respondent No.2 initiated proceeding under the Domestic Violence Act, 2005 which is pending before the learned 49th Metropolitan Magistrate Court, Vikhroli, Mumbai. The applicant has filed Marriage Petition No.335 of 2021. The respondent No.2 herself has filed Marriage Petition before the Family Court, Bandra, Mumbai.

3. Notice of present application has been served on the respondent No.2 through Court. Additionally, learned advocate for

the applicant filed affidavit of service on 21st February, 2023.

4. To avoid conflicting findings in the proceedings, in the interest of justice, it is necessary to club both proceedings filed by the wife.

5. The Criminal Application is, therefore, allowed in terms of prayer clause (a).

6. No costs.

(AMIT BORKAR, J.)