

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

CRIMINAL APPLICATION NO.423 OF 2022

Vishal Ashok Jadhav & Ors. Applicants
versus
State of Maharashtra & Anr. Respondents

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- Mr. Vishal V. Rankhambe a/s Ms. Aparna V. Rankhambe, Advocate for Applicants.
- Mr. A. R. Patil, APP for the State/Respondent No.1.
- Ms. Sonali Chavan, Advocate for Respondent No.2.

CORAM : SARANG V. KOTWAL, J.
DATE : 23rd AUGUST, 2023

P.C. :

1. This application is for transfer of proceeding filed under the Protection of Women from Domestic Violence Act, 2005, by the Respondent No.2 vide proceeding bearing No.3802 of 2018 pending before the Judicial Magistrate First Class, Pune, to the Metropolitan Magistrate, 13th Court, Dadar, Mumbai or any other competent Court. The said proceedings are filed by the Respondent No.2 before the Judicial Magistrate First Class, Pune.

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2. It is the case of Petitioners that she is in fact residing at

Mulund and she is also a gainful employee in a company at Mulund. Learned counsel for the Applicant invited my attention to the letter issued by the Unique Healthcare & Medical Services Pvt. Ltd., wherein it is mentioned that she is working as a contractual trainee from November 2020 with the said company at Mulund. He submitted that there is voluminous correspondence between the parties showing that the Respondent No.2 is residing at Mulund. On this basis, he is seeking transfer of proceeding from Pune to the Court at Mumbai.

3. Learned counsel for the Respondent No.2 produced the order dated 17/06/2022 passed by this Court (Coram : Bharati Dangare, J.) in Criminal Writ Petition No.1565 of 2022. The issue involved in that Petition was whether the Magistrate at Pune had jurisdiction to try the proceedings. The same Petitioners in the present Petition had filed Criminal Writ Petition No.1565 of 2022. The issue of jurisdiction of the learned Magistrate at Pune was extensively argued and it is discussed in the said order. A reference was made to section 27 of the said

Act. The contention of the Respondent No.2 was reproduced in the said order, that she was residing at the address mentioned in the application. It was at Pune. She had also filed receipt of electricity bills at the place mentioned in her address.

4. The contention of the Respondent No.2 was accepted by this Court as is reflected in the said order dated 17/06/2022. It was observed that the provisions of the said Act including section 27 were liberally worded to permit the aggrieved person to institute proceedings before any of the Magistrate, by giving multiple options and therefore, when the person aggrieved is even temporarily residing at a particular place, that can be a place where the proceedings can be filed.
5. It was observed that the enactment being a beneficial piece of legislation to protect woman from domestic violence, and the interpretation which weighs in favour of the aggrieved person, must be chosen over the one which would deny her the right to choose the jurisdiction of a particular Court.

6. In the same order reference was made to the letter issued by the Unique Healthcare & Medical Services Pvt. Ltd. It was observed that even if the Respondent No.2 temporarily shifted her abode to her place of work, her permanent residence continued to be in Pune. The finding recorded in the said order has attained finality and in this subsequent present Writ Petition, it cannot be overruled. Therefore, it is not possible to hold that the Magistrate at Pune, had no jurisdiction or that the proceedings are required to be transferred to the Court in Mumbai. I find no substance in the application and in any case, the issue was extensively dealt with in the order dated 17/06/2022 passed in Criminal Writ Petition No.1565 of 2022. Therefore, I am not inclined to interfere in this Petition. The application is dismissed.

7. As the matter is pending before the Judicial Magistrate First Class, Pune, since 2018, it is expedited.

(SARANG V. KOTWAL, J.)