

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.120 OF 2024

Abhay Jayant Pendse & Ors.	...Applicants
<i>Versus</i>	
Anagha Abhay Pendse & Anr.	...Respondents

Ms. Sarika Mehra, Advocate, for the Applicants.
Mr. D. S. Phogat, Advocate, for the Respondent No.1.
Mr. Prasanna P. Malshe, APP, for the Respondent No.2-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 22nd APRIL 2024

PC:-

1. At the outset, Mr. Phogat, learned Counsel appears and states that he has instructions to file *Vakalatnama* on behalf of Respondent No.1 and that the same will be filed within a period of two weeks from today.

2. Heard Ms. Mehra, learned Counsel for the Applicants, Mr. Phogat, learned Counsel for the Respondent No.1 and Mr. Malshe, learned APP, for the Respondent No.2-State.

3. The present Criminal Application is preferred under Section 407 of the *Code of Criminal Procedure, 1973* (“CrPC”) seeking transfer of Criminal Petition No.35 of 2018 pending before the learned Judicial Magistrate First Class (“J.M.F.C.”), Uran to the Family Court at Pune.

4. It is the contention of Ms. Mehra, learned Counsel for the Applicants that two matters are pending in the Family Court at Pune. One case is where the Application filed for restoration of Application which was filed for setting aside *ex-parte* decree of divorce and the other is a matter filed under the *Protection of Women from Domestic Violence Act, 2005* (“D.V. Act”) which is also pending in the Family Court at Pune.

5. Mr. Phogat, learned Counsel for Respondent No.1 states that by the order dated 10th July 2023 passed by the Supreme Court of India in Transfer Petition (CRL.) No.412 of 2021, proceedings filed under the D. V. Act which was filed in the Court of A.C.J.M. at Jamnagar has been transferred to the Family Court at Pune.

6. Mr. Phogat tenders an email communication received by him stating that the Respondent No.1 has no objection if the case is transferred from Uran to Pune. He states that the Respondent No.1 is a resident of Pune.

7. Accordingly, in the facts and circumstances of this case, as other cases filed by the parties are pending before the Family Court No.2 at Pune, Criminal Petition No.35 of 2018 pending before the J.M.F.C., Uran is transferred to the Court of Family Court No.2 at Pune by consent of the parties.

8. Accordingly, the Criminal Application is disposed of.

[MADHAV J. JAMDAR, J.]

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