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

CRIMINAL APPLICATION NO. 462 OF 2024

Pallavi Padmakant Dhage

.. Applicant

Versus

Padmakant Umakant Dhage and Ors.

.. Respondents

-
- Mr. Saurabh Pramod Patil a/w. Mitesh Sakhare, Advocates for Applicant.
 - Ms. Manisha R. Tidke, APP for Respondent No.5 -State.
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 04, 2024.

P.C.:

- 1.** Heard Mr. Patil, learned Advocate for Applicant and Ms. Tidke, learned APP for Respondent No.5 – State.
- 2.** Present Criminal Application seeks transfer of DV Act proceedings filed by Applicant – wife in the Judicial Magistrate First Class (JMFC) Court at Nashik to the JMFC Court at Pune.
- 3.** Reason for seeking such transfer of the proceedings filed by Applicant – wife are twofold namely, Applicant has filed complaint under Section 498A of the Indian Penal Code, 1860 in the JMFC Court at Pune and she is residing in Pune. Averments made in the Application are to the effect that Applicant is working in an IT Company in Pune since prior to her marriage and is residing in Pune on rent alongwith

her parents. This is what is submitted across the bar by the learned Advocate. Though most of the grounds in the Application, *inter alia*, pertain to the dispute between the parties which are not relevant for considering the transfer Application, the proximity of distance between the two destinations and the inconvenience caused to the Applicant – wife is evident. In so far as the private Respondent Nos.1 to 4 are concerned, they are shown to be residing in Solapur.

4. *Prima facie*, an arguable case is made out for allowing the transfer. However, Application is heard for the first time today. Hence, I am inclined to issue notice to Respondent Nos.1 to 4.

5. In addition to Court notice, Applicant is permitted to serve a copy of the Application on the private Respondent Nos.1 to 4 and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date. I am informed that copy of the Application was served in advance on the private Respondent Nos.1 to 4 and Affidavit of service to that effect has already been filed.

6. Server copy of this order shall be served on the private Respondent Nos.1 to 4.

7. Ms. Tidke, learned APP waives service on behalf of Respondent No.5 – State.

8. Private Respondent Nos.1 to 4 are directed to take cognizance of this order and remain present on the next adjourned date either through themselves or through their Advocate through VC, if so desired.

9. This Application shall be disposed of on the next adjourned date, which shall be noted by the parties.

10. On the next adjourned date, if Respondent Nos.1 to 4 do not remain present despite having been served, this Court shall not await their presence and shall consider the Application on its own merits and after hearing learned Advocate for Applicant and the learned APP for the State pass appropriate orders.

11. Stand over to 11th December 2024.

[MILIND N. JADHAV, J.]

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