



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APPLN) NO. 4 OF 2024

Mrs. Pallavi Okesh Choudhari and others

Vs.

Mrs. Usha Kashinath Choudhari

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D. P. Dapurkar, Advocate for applicants.

CORAM :- M. W. CHANDWANI, J.

DATED :- 15.04.2024

Heard.

2. The applicants seek transfer of PWDVA case no. 22/2023 pending on the file of learned Judicial Magistrate First Class, Murbad, District Thane to the file of 9th Judicial Magistrate First Class, Amravati or Family Court, Amravati.

3. It is contention of the learned counsel for the applicant that the applicant no. 1 is wife of son- Okesh Choudhari of the non-applicant. Out of their wedlock, the applicant no. 1 and Okesh got a child. Thereafter, due to cruelty at the instance of the non-applicant, her husband and his relatives, the applicant no. 1 is forced to leave her matrimonial house and residing with her parents at Amravati along with her 2 years old daughter. It is also contended that the applicant no. 1 has filed an

application under Section 125 of the Code of Criminal Procedure for grant of maintenance in the Family Court, Amravati. In spite of passing of the maintenance order, her husband did not provide a single pie to the applicant. The Domestic Violence proceeding is also been initiated by the applicant no. 1 before the learned Judicial Magistrate First Class (JMFC), Amravati. Apart from this the applicant no. 1 also launched a proceeding under Section 498 of the Indian Penal Code by lodging the First Information Report (FIR) at Amravati.

4. It is contended that now just as a counter blast, the non-applicant, who is also non-applicant in the Domestic Violence proceeding before the learned JMFC, Amravati as well as an accused in the FIR lodged by the applicant no. 1, has filed the present application, of which transfer is sought, alleging domestic violence against the applicant no. 1 and her relatives. The purpose of the said application is just to harass the applicant no.1 and her relatives. The applicant no. 1 is financially and physically not able to attend the proceeding at Murbad, District Thane, which is 600 kms. away from Amravati. Hence, she submitted that the matter should be transferred to file of learned JMFC, Amravati.

5. Though, the notice were issued to the non-applicant but, she chooses not to appear in the matter.

6. It appears from the record that the applicant is having 2 years old daughter. The distance between Amravati and Murbad is about 600 kms. The parents of the applicant no. 1 are old aged persons and her brothers are residing in different cities and there is nobody to accompanied her to attend the proceeding at Murbad. It will be difficult for the applicant no. 1 to travel 600 kms. to attend the proceeding and come back again by traveling 600 kms either by leaving her child at home alone or by carrying with her. On the other hand, the non-applicant is respondent in the proceeding filed by the applicant no. 1 before the learned JMFC, Amravati. Otherwise also, the non-applicant has to attend the proceedings at Amravati. Hence, considering the contention of the applicants, which are not controverted by the non-applicant, a case is made out of transfer the said proceeding. Hence, the following order:-

- i) The application is allowed.
- ii) The PWDVA application no. 22/2023 pending of the file of the learned JMFC, Murbad, District Thane is transferred to the file of the learned 9th JMFC Court, Amravati.

(M. W. CHANDWANI, J.)