



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 65 OF 2025

**POONAM PRAVIN SHRINATH
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. A. P. Gunge, Advocate for the Applicant

Ms A. S. Deshmukh, APP for the Respondent – State

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CORAM : Y. G. KHOBRAGADE, J.

DATE : 24.01.2025

PER COURT :-

1. Heard the learned counsel for the Applicant at length.

The learned APP waives for the non-applicant No.1.

2. By the present Application, the applicant prays for transfer of Criminal Misc. Application No.35 of 2022 from the file of the learned J.M.F.C. Motala, District Buldhana to the file of the learned J.M.F.C., Aurangabad for fair trial and disposal according to the law.

3. The learned counsel for the Applicant canvassed in vehemence that the marriage of the present Applicant solemnized

with Shri Pravin Damodhar Shrinath on 23.03.2021. After the marriage, the Applicant cohabited with her husband. The Applicant and her husband was residing in Spring Meadows Society, Samarth Nagar, Dighi - Alandi Road, Pune. However, there were some matrimonial disputes arose between her and her husband. The non-applicant No.2 is the father-in-law of the Applicant. However, the non-applicant No.2 filed a false complaint i.e. Criminal Misc. Application No.35 of 2023 against the applicant and her family members before the learned J.M.F.C. Motala, District Buldhana, for the offence under Section 323, 324, 394, 427, 504, 506 read with 34 of Indian Penal Code. Since the Applicant is residing with her parents at Aurangabad, therefore prayed for transfer of Criminal Misc. Application No.35 of 2023 pending on the file of the learned J.M.F.C. Motala, District Buldhana, to the file of the learned J.M.F.C. Aurangabad.

4. Needless to say that, the non-applicant No.2 - original complainant filed Criminal Misc. Application No.35 of 2023 before the learned J.M.F.C. Motala, District Buldhana on the ground that due to matrimonial disputes between the Applicant and her husband, the Applicant started residing at her parental house and lodged H.M.P

No.328 of 2022 which is pending before the Family Court, Aurangabad. However, during pendency of the said proceeding, on 04.02.2023, the present Applicant visited at his house at about 11.30 a.m. and assaulted with fist and blow and also issued the threat. Though he had lodged a police report, but no cognizance was taken. Therefore, he had filed a complaint and prayed for action against the present Applicant / accused for the offences under Section 323, 324, 294, 437, 504, 506 read with Section 34 of I.P.C.

5. As per the averments made in the complaint, the incident allegedly occurred at the residential house of the present non-applicant No.2 / original complainant at his house at village Motala, Taluka Motala, District Buldhana. Merely, the Applicant /accused is residing at her parental house, Aurangabad, cannot be a good and sound ground to transfer the said proceeding as per the convenience of the accused. Therefore, I do not find any substance in the present Application. Hence the same is rejected.

[Y. G. KHOBRAGADE, J.]