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58criapln1014.25

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

58 CRIMINAL APPLICATION NO. 1014 OF 2025

PRADIP PARASHURAM GOYAL AND OTHERS

....Applicants

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

.....Respondents

Mr. U. S. Patil, Advocate for the applicants

Mrs. Chaitali Choudhari-Kutti, APP for the respondents/State

Mr. Vijay Wakale, Advocate for the respondent No.2

CORAM : KISHORE C. SANT, J.

DATE : 28th JULY, 2025

P. C.

1. Heard.

2. This petition is filed seeking transfer of the proceeding pending in the court of learned JMFC, Soygaon bearing RCC No. 51/2024 and PWDVA No. 102/2023 to the court at Taloda where the present applicants are residing. The applicant No. 1 is the husband of respondent No. 1. Applicant Nos. 2 and 3 are the parents of applicant No.1. Applicant Nos. 4

and 5 are his sister and brother-in-law.

3. It is the case of the applicants that respondent No.2 is also residing at Taloda and still deliberately the complaint bearing FIR No. 0260/2023 is filed for the offences punishable under Sections 498-A, 323, 504, 506 read with section 34 of the IPC in Soygaon. She also filed another proceeding under the PWDVA Act in the court at Soygaon and therefore, he seeks transfer of cases to court at Taloda.

4. The learned advocate for the applicants submits that in the complaint before the police itself, the wife, on her own, has given address of Taloda. All the instances are quoted from Taloda. Still the complaints are filed in Soygaon, where there is no jurisdiction in view of section 177 of the Cr. P. C. The place of the trial and enquiry needs to be a place where offence is allegedly committed. He submits that in Soygaon no offence is committed. Neither wife is residing at Soygaon. He points out from the complaint under Domestic Violence Act itself that she has given her address as Khandoji Nagar, Taloda, Tq. Taloda,

Dist. Nandurbar. She has shown her temporary address of Eklavya Model Residenciateal School Cottage, Nandurbar and her parents' address is given at Soygaon. He submits that thus the cases are required to be transferred to the court at Taloda.

5. The learned advocate for the respondents vehemently opposes the application. He submits that the marriage has taken place at Soygaon. The parents of the wife are residing at Soygaon. On the date of on which, she filed the complaint, she was at Soygaon and thus it is Soygaon court which has a jurisdiction. The complaints are rightly filed in the court of Soygaon. He opposes the application.

6. This court has seen that in the complaint under the Domestic Violence Act it is the wife who has given the address as Taloda, Dist. Nandurbar. Though it is stated that her parents are residing at Soygaon, she is not residing at Soygaon. From the contents of FIR and a complaint under DV Act also it is seen that all the instances quoted are of Taloda and not of Soygaon.

7. Thus, considering all above, this court finds that in

view of section 177, it is the court at Taloda which having jurisdiction to try the offence under section 498-A & 323. So far as Domestic Violence Act the proceeding is concerned, same also needs to be tried at Taloda. Though the respondent No. 2 has opposed the application, however, he could not satisfy that wife is now residing at Soygaon. There is no question of getting jurisdiction to try the offence and also the application under the Domestic Violence Act. In view of the same, this court considers that proceedings need to be transferred to the court at Taloda. Hence, the criminal application is allowed in terms of prayer clause-A.

8. After the transfer the proceeding at the Court at Taloda, the Court at Taloda is requested to dispose off the said proceedings as early as possible preferably within a period of one year from today.

[KISHORE C. SANT, J.]