

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE K. SUJANA

TRANSFER CRIMINAL PETITION NO: 33 OF 2024

Between:

Pindiga Sumavani, W/o Ashok Kumar, C/o Janaiah Vallamalla, Aged about 38 years, Occ Govt. Teacher R/o H. No. 9- 2- 665/407, Dream Home, Venkatadri Nivas, Shivajinagar, Regimental Bazar, Behind Old Manohar Theatre, Secunderabad - 500 003.

...PETITIONER

AND

1. The State of Telangana, Rep by its Public Prosecutor, High Court for the State of Telangana Hyderabad.
2. Pindiga Ashok Kumar, S/o Yakob, Aged 43 years, Occ Advocate, R/o Kuda Kuda Village, Chivvemla Mandal, Suryapet Dist.
3. Pindiga Yakob, S/o Ramaiah, Aged 88 years, Occ Retd. Employee, R/o Kuda Kuda Village, Chivvemla Mandal, Suryapet Dist.
4. Pindiga Sharamma, W/o Yakob, Aged 76 years, Occ Housewife, R/o Kuda Kuda Village, Chivvemla Mandal, Suryapet Dist.
5. Anthireddy Aruna Sri, W/o Venkat Reddy, Aged 56 years, Occ Private Job, R/o Nacharam, Hyderabad.
6. Jelli Amrutha Sri, W/o Ananda Babu, Aged 46 years, Occ Employee, R/o Boinapally, Hyderabad.

...RESPONDENTS

Petition under Section 407 of Cr.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to transfer the C.C. No. 3388 of 2018 on the file of Additional Judicial First Class Magistrate Court, Suryapet to Judicial First Class Magistrate Court, Secunderabad.

I.A. NO: 2 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of further proceedings in C. C. No. 3388 of 2018 on the file of Additional Judicial First Class Magistrate Court, Suryapet.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri V.V.RAGHAVAN, Advocate for the Petitioner and the Public Prosecutor (TG) on behalf of the Respondent No.1 and none appeared for the Respondent No.2 to 6.

Counsel for the Petitioner(s):SRI. V V RAGHAVAN

Counsel for the Respondents: PUBLIC PROSECUTOR

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE K. SUJANA

TRANSFER CRIMINAL PETITION No.33 of 2024

ORDER:

This transfer Criminal Petition is filed by the petitioner seeking transfer of C.C.No.3388 of 2018 pending on the file of Additional Judicial First Class Magistrate Court, Suryapet to Additional Judicial First Class Magistrate Court, Secunderabad.

2. Heard Sri V.V.Raghavan, learned counsel for the petitioner. None appeared on behalf of respondents 2 to 6.

3. The contention of learned counsel for the petitioner is that the marriage of petitioner with the 2nd respondent was performed on 28.12.2009 and they lived happily till November, 2010. Petitioner was appointed as a Teacher and posted to Upper Primary School, Ravulapally Village, Thungathurthy Mandal, Suryapet District, and she has taken a house for rent at Ravulapally Village. Petitioner and 2nd respondent were blessed with a daughter in the year 2011 and he is taking care of her daughter. Thereafter, 2nd respondent started harassing the petitioner physically and mentally. As such, she lodged a

report before the police, Suryapet, for the offence under Section 498-A of Indian Penal Code and charge sheet was also filed. The 2nd respondent is a practicing advocate in Suryapet and whenever, petitioner visited the Court, he is threatening to murder her and it is also difficult to attend the Court at Suryapet. As such, requested the Court to transfer C.C.No.3388 of 2018 from the Court of Additional Judicial First Class Magistrate Court, Suryapet to Additional Judicial First Class Magistrate Court, Secunderabad.

4. Having regard to the submissions made by the learned counsel for the petitioner, the contention of petitioner is that 2nd respondent is a practicing advocate in Suryapet and there is threat in his hands and that petitioner is taking care of her child and cannot travel from her work place to Suryapet. At this stage, it is pertinent to note that in respect of transfer of proceedings of a matrimonial dispute, convenience of the wife is to be looked into than the convenience of husband, as held by the Hon'ble Apex Court in the case of **Rajani Kishor Paradeshi Vs. Kishore Babulal Paradeshi**¹ and **Sumita singh Vs. Kumar**

¹ (2005) 12 SCC 237

Sanjay and another². Considering the same, the relief as sought by the petitioner is granted.

5. Accordingly, the Transfer Criminal Petition is allowed. C.C.No.3388 of 2018 is transferred from the Court of Additional Judicial First Class Magistrate Court, Suryapet to Additional Judicial First Class Magistrate Court, Secunderabad. The Court concerned is hereby directed to transmit the entire case file relating to C.C.No.3388 of 2018 after duly indexed, within a period of One (1) month from the date of receipt of a copy of this Order, under intimation to the other side.

Miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

Sd/- K AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Addl. Judicial Magistrate of First Class, at Suryapet
2. The Station House Officer, Police Station, Suryapet II Town.
3. Two CCs to the PUBLIC PROSECUTOR, High Court at Hyderabad. (OUT)
4. One CC to SRI. V V RAGHAVAN Advocate [OPUC]
5. Two CD Copies

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² AIR 2002 SC 396

HIGH COURT

DATED:27/02/2025

ORDER

TRCRLP.No.33 of 2024



**TRANSFER CRIMINAL
PETITION IS ALLOWED**

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