

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO.296 OF 2017

SUNITA MANOJ SINH

...Petitioner

VS.

THE STATE OF MAHARASHTRA & ORS.

...Respondents

O R D E R

Heard Mr. Anip Sachthey, the learned senior counsel appearing for the petitioner (wife). Also heard Mr. Anand Dilip Landge, the learned counsel appearing for the respondent-State of Maharashtra. The respondent No.2 (husband) is represented by Mr. Rohit K.Singh, the learned counsel.

The primary dispute is between the petitioner and her husband and following the alleged dowry harassment, the petitioner had to leave the matrimonial home at Thane and relocate to her parental home at Vadodara. She had filed an FIR under Section 498-A and other Sections of the IPC against the respondent and her in laws in 2011 and she seeks transfer of the said proceedings pending without any progress, since 18th February, 2017.

The records show that the petitioner has filed a case against the respondent under the Domestic Violence Act, 2005 and she has also applied for maintenance for herself and her minor daughter from the respondent and these proceedings are pending at Vadodara.

The petitioner is dependent on her father and her daughter is studying in Vadodara. The respondent is projected to be a well earning business man. This matter was referred for mediation but the process proved to be unsuccessful.

Considering all the above circumstances and particularly the fact that the concerned case arises out of matrimonial dispute and the related proceedings are pending in Vadodara, I deem it appropriate to allow this petition. Therefore, the RCC No.1224 of 2012 titled as *State v. Manoj Udaypratap Sinh & Ors.*, is ordered to be transferred from the Court of 5th Joint Civil Judge, J.D., Judicial Magistrate of First Class, Thane, Maharashtra to the Family Court Vadodara, Gujarat.

Since all the family members of the respondent are roped into the proceedings, they are at liberty to apply before the transferee Court, to seek exemption from appearance, on non-essential dates.

.....J.
[HRISHIKESH ROY]

New Delhi;
March 24, 2021.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Criminal) No(s). 296/2017

SUNITA MANOJ SINH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

Date : 24-03-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Anip Sachthey, Sr. Adv.
Ms. Anjali Chauhan, Adv.
Ms. Ria Sachthey, Adv.
For M/s Ars Associates, AOR

For Respondent(s) Mr. Anand Dilip Landge, Adv.
No.1 Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

For Res.No.2 Mr. Rohit K. Singh, AOR
Mr. Mirza Kayesh Begh, Adv.
Mr. Narender Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties.

The transfer petition is allowed in terms of the
signed order.

Pending application, if any, shall also stand
disposed of.

(ANITA MALHOTRA)
COURT MASTER

(KAMLESH RAWAT)
COURT MASTER

(Signed order is placed on the file.)