

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR TRANSFER) NO. 5134 of 2022**

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DIPAL W/O MIHIRBHAI GANDABHAI AND D/O AMRABHAI BHARAI
Versus
MIHIRBHAI GANDAHAI RAYKA

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Appearance:

MR ASHISH M DAGLI(2203) for the Applicant(s) No. 1

MR RUTUL P DESAI(6498) for the Respondent(s) No. 1

NOTICE SERVED for the Respondent(s) No. 2

MR UTKARSH SHARMA, APP for the Respondent(s) No. 3

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CORAM:**HONOURABLE MR. JUSTICE ILESH J. VORA**

Date : 27/10/2023

ORAL ORDER

1. Heard Mr. Mahesh Pujara, learned advocate for Mr. Ashish Dagli, learned advocate for the applicant and Mr. Utkarsh Sharma, learned Additional Public Prosecutor for the respondent State.
2. By way of this application, the applicant invoking Section 407 of the Cr.P.C. prays for transferring Criminal Case No. 4175 of 2021 pending on the file of the Court no. 43 at Surat to Gandhinagar, where the other proceedings arise from the matrimonial dispute between the same parties are pending.
3. The private respondent being wife of applicant no. 1 Mihir

Gandabhai lodged an FIR for the offence punishable under Section 498A etc. of the Indian Penal Code, which has culminated into Criminal Case No. 4175 of 2021. The private respondent being public servant, was serving at Surat and after lodgment of the FIR, she got transferred at Gandhinagar. It is not in dispute that, the other proceedings between the same parties are pending at the Gandhinagar Court. The respondent wife, due to her transfer job, is serving at Gandhinagar.

4. In view of the aforesaid premise, and considering the reasons mentioned in the petition, this Court is of the considered view that for the general convenience of the parties and witnesses, the case is made out for transfer of the case and thus, it is expedient for the ends of justice to transfer the case as prayed for.
5. The criminal case no.4175 of 2021 arising out of FIR registered with Khatodara Police Station for the offences punishable under Sections 498(A), 323, 504, 506(2) and 114 of the Indian Penal Code is ordered to be transferred from Surat to Court at Gandhinagar. The Court at Gandhinagar, after receiving the case records, proceeds

with the matter and disposes of the case as far as possible expeditiously. Accordingly, present application is **allowed** in the aforesaid terms.

Direct Service is permitted.

Rakesh

(ILESH J. VORA,J)