

MHAU030037892026



Cri.M.A.No./735/2026
Anil Sahebrao Patil Vs. Sneha Anil Patil

ORDER BELOW EXH.1.

Read application and say. Perused the record. Heard applicant in person and Ld. Advocate for respondent. This is the application under Section 450 of Bhartiya Nagarik Suraksha Sanhita, 2023 for withdrawing criminal case from one court and to transfer it to another court for trial.

2] Applicant submitted that, the applicant and the respondent are husband and wife. There are dispute between them. The respondent filed two criminal cases i.e. RCC No.455/2017 for the offence punishable under Section 498-A and other of IPC, the respondent filed another case i.e. PWDVA No.271/2016. The criminal case RCC No.455/2017 is pending before Hon'ble Railway Magistrate and PWDVA No.271/2016 is pending before Hon'ble 2nd JMFC Court, Aurangabad. The case before the Railway Magistrate is for the statement under Section 313 of Cr.P.C. However, in PWDVA case respondent gave false affidavit for assets and liabilities. Then, this applicant gave application under Section 340 Cr.P.C. and also filed application for issuance of witness summons to State Bank of India and produced the record.

The respondent suppressed her salary and the property records. But, instead of decide the application given by the applicant, the Ld. 2nd JMFC told this applicant to make compromise and lastly applicant compromised the matter and deposited the amount of Rs.7,00,000/- in the Court. However, the condition was to withdraw the criminal case RCC No.455/2017 also. The court i.e. Railway Magistrate rejected to withdraw the said case due to non compoundable. The respondent already gave her advocate to assist A.P.P. knowingly that RCC No.455/2017 not possible to withdraw, force to compromise PWDVA case No.271/2016. So, the Ld. 2nd JMFC Court in-spite passing the order keep pending this matter since long and applicant filed application to cancel the compromise, but no order was pass on it. The applicant always force to compromise. So, the applicant was sure that he will not get justice before Ld. 2nd JMFC. So, applicant prayed to transfer PWDVA case to any other Court along with to decide the RCC No.455/2017. The applicant further stated that, he has no idea about fate of RCC No.455/2017, but it is for statement and the respondent gave evidence against the applicant. So, for fair trial and for justice applicant prayed to withdraw the case and transfer it to another Court.

3] Ld. Advocate for respondent submitted that, the application given by the applicant was false. There was compromise and matter was posted accordingly. Now, the

applicant going against his compromise. The applicant is trying to use the tools for allegations for transferring the matters. So, the applicant filed such applications. The respondent never denied the compromise and respondent never tried to put fear anybody for getting the justice. So, this application was not tenable. Hence, respondent prayed to reject the application.

4] Applicant and respondent are husband and wife. There are dispute between them. The respondent filed FIR against the applicant in which RCC No.455/2017 was filed currently pending before the Hon'ble Railway Magistrate for final argument. The respondent also filed PWDVA No.271/2016 against the applicant, this application is pending before Hon'ble Ld. 2nd JMFC Court, Aurangabad. It is pending for deciding the applications filed by the parties.

5] It appears that, the applicant has allegations against the Hon'ble Ld. 2nd JMFC Court for making the forcefully compromise in the matter of PWDVA No.271/2016 and the said application was pending since 10 years, but not decided and not getting justice. However, the allegations were denied by other side.

6] As per Section 450 of BNSS, 2023 this court can withdraw any case pending before the Hon'ble JMFC Court

and can make over to another court. However, the power of this Court under Section 450 of BNSS, 2023, is only to withdraw the case and to file before other Court. The powers of this court under Section 450 of BNSS, 2023 is only administrative power. If any allegations by parties for not getting fair trial, then definitely the party needs to apply the said before the Hon'ble Principal District Judge. So, here in this case the allegations is made regarding putting pressure to the party and not disposing the case as early as possible.

7] The applicant stated that, the court force applicant to compromise. However, PWDVA case is nothing but a family matter and to restore the family relations the court generally tried to make amicably settlement between the parties which help the parties to settle the dispute. So, there expenditure of money and time would be save and their relations restored for normal life. Here in this case, one matter is pending for final argument. Definitely the case filed under Section 498-A of IPC would not be withdraw as it is not compoundable under Section 320 of Cr.P.C. So, nobody can be blame for not withdrawing the case. It cannot be accepted that, applicant was forcefully force to accept the terms and conditions of compromise. So, contentions regarding this cannot be accepted that, application was force to compromise the case. Further, if any allegations for not getting fair trial, then definitely this court has no jurisdiction,

but this court can withdraw any matter on the administrative basis. In the application itself allegations clearly appears and applicant did not filed the application to withdraw the case on only administrative ground. So, this application itself not tenable. Further, contentions made in the application for not to believe Ld. JMFC under certain circumstances cannot be accepted. So, this application is not tenable and deserves to be rejected for want of jurisdiction. If, application wish to apply transferring one matter from one court to another, then he can apply before the Hon'ble Principal District Court on the ground not getting fair trial. This Court can transfer only when there is administrative ground. Hence, no need to go in the merits. Hence, application deserves to be rejected. Hence, I proceed to pass the following order -

ORDER

The Criminal M.A. No.735/2026 rejected, accordingly disposed of.

Date :- 12/05/2026.

(R. S. Jambotkar)
Chief Judicial Magistrate,
Aurangabad.

CERTIFICATE

I affirmed that the contents of this P.D.F file Judgment/order are same, word to word, as per the original order.

Name of the Stenographer : Gajanan R. Tehere
Stenographer Grade-II.
Court : (Shri. R.S. Jambotkar)
C.J.M., Aurangabad
Date : 12/05/2026
Judgment/Order signed by
the Presiding Officer on : 12/05/2026
Order uploaded on : 12/05/2026
