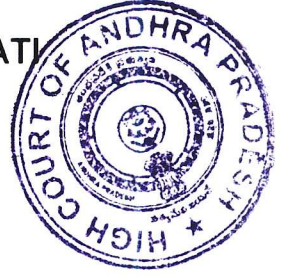


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE TWENTY FOURTH DAY OF APRIL  
TWO THOUSAND AND TWENTY FIVE



**PRESENT**

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO**

**TRANSFER CRIMINAL PETITION NO: 24 OF 2025**

**Between:**

1. Nekkanti Ravindranadh Chowdary, S/o Satyanarayana Murthy, Aged 37 years, Office Address: Accenture Solutions Private Limited, RMZ Eco Space, R/o Campus 2A AND 2B, Sarjapur, Outer Ring Road, Varathur Hoblie, Bellandhur, Banagalore-560 103, Karnataka.

Current Address D. No. 12-71, Nekkanti Street, Alamuru Mandal, East Godavari District, Andhra Pradesh - 533233

2. Nekkanti Kamamma, W/o Satyanarayana Murthy. Hindu, female, aged 55 years, D.No.12-71, Nekkanti Street, Alamuru Mandal, East Godavari District, Andhra Pradesh - 533233

3. Nekkanti Venkata Raju, S/o Satyanarayana Murthy, Hindu, male, aged 57 years, D.No.12-71, Nekkanti Street, Alamuru Mandal, East Godavari District, Andhra Pradesh - 533233

4. Putta Varalakshmi, W/o Murali Krishna, Hindu, female, aged 49 years, D.No.1- 144, Vadlamuru, Kapileswara Puram Mandal, East Godavari District, Andhra Pradesh-533 433.

5. Putta Murali Krishna, S/o.Putta Satyanarayana, Hindu, male, aged 54 years D.No.1-144, Vadlamuru, Kapileswara Puram Mandal, East Godavari District, Andhra Pradesh-533433.

6. Putta Tarun Vasu, S/o Putta Murali Hindu, male, aged 31 years, D.No. 1-144, Vadlamuru, Kapileswara Puram Mandal, East Godavari District, Andhra Pradesh - 533 433.
7. Putta Satya Sudhakar, S/o Putta Murali, Hindu, Male, aged 29 D.No. 1-144, Vadlamuru, Kapileswara Puram Mandal, East Godavari District, Andhra Prade

**...Petitioners**

**AND**

1. Nekkanti/Vantipalli Anjani, w/o Ravindranadh Chowdary, D/o.Vantipalli Hanuman Prasad, aged about 36 years, C/o. Naram Venkateswara Rao, House No. 15-36, Kanaka Durga Seet, Western locte, Hanum Chintavari Street (RTC Colony) Eluru, W.G. District (Address shown in DVC)

Permanent Address: Smt. Nekkanti/Vantipalli Anjani w/o Ravindranadh Chowdary D/o.Vantipalli Hanuman Prasad, Muramanda Village, Kadiyam Mandal, East Godavari District

2. The State of A.P., Rep. by Public Procecutior, High Court of A.P. Amaravathi, Guntur district.

**...Respondents**

Petition filed under section 407 of Cr.P.C., & 447 of BNSS 2023, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to withdraw the DVC.No.19 Of 2022 on the file of Special Judicial Magistrate of First Class(Mobile) For Trail of Cases under Pcr Act at Eluru -III Additional Junior Civil Judge at Eluru West Godavari District and transfer the same to Hon'ble Judicial First Class Magistrate at Alamuru, East Godavari District.

**I.A. NO: 1 OF 2025**

Petition filed under Section 447 (6) of BNSS 2023 & 407 (6) 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 grant an interim stay of all further proceedings DVC.No.19 Of 2022 on the file of Special Judicial Magistrate Of First Class(Mobile) For Trail Of Cases Under Pcr Act At Eluru-III Additional Junior Civil Judge At Eluru West Godavari District during the pendency of this petition pending disposal of the above Transfer Criminal Petition.

This Petition coming on for hearing, upon perusing the Memorandum of Grounds of Criminal Petition and upon hearing the arguments of Sri B. Sudhakar Kumar, Advocate for the Petitioners and the Public Prosecutor on behalf of the Respondent No.2 and of Sri B V Krishna Reddy, Advocate for the Respondent No.1.

**The Court made the following:**

**HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO****Transfer Criminal Petition No.24 of 2025****Order:**

This transfer criminal petition is filed under Section 407 of Cr.P.C and Section 447 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to withdraw D.V.C. No.19 of 2022 on the file of Special Judicial Magistrate of First Class for trial of Cases under PCR Act (Mobile Court) cum III Additional Junior Civil Judge at Eluru, West Godavari District and transfer the same to the Court of Judicial Magistrate of First Class at Alamuru, East Godavari District.

2. The case of the petitioners, in brief, is as follows:

It is pleaded that the marriage of 1<sup>st</sup> petitioner with the respondent took place on 21-4-2015 and later due to matrimonial disputes between the 1<sup>st</sup> petitioner and the respondent, both are residing separately. The petitioners further pleaded that the respondent gave a false complaint on 10-9-2021 before the Station House Officer, Mandapeta Town Police Station, East Godavari District, for the offences punishable under Sections 498-A, 323 and 506 read with Section 34 of IPC and under Sections 3 and 4 of the Dowry Prohibition Act, 1961. The petitioners further pleaded that the respondent further filed D.V.C. No.19 of 2022 before the Special Judicial Magistrate of First Class (Mobile Court) at Eluru, West Godavari District, on 13-3-2022 even though she is a permanent resident of Muramanda of Kadiyam Mandal, East Godavari District, with a view to harass the petitioners and create inconvenience to them, as per her desire she instituted the case at Eluru. The petitioners further pleaded that the petitioners are not in a position to attend before the Special Judicial Magistrate of First Class (Mobile Court) at Eluru, West Godavari District, on each and every adjournment and that the petitioners are constrained to file this application.



3. The case of the respondent, in brief, is as follows:

The respondent pleaded that due to unbearable harassment made by the petitioners, she filed a criminal case before the Station House Officer, Mandapeta Town Police Station, on 17-4-2021. She further pleaded that due to life threat, she was migrated from Mandapeta of East Godavari District to Eluru of West Godavari District and she also filed a domestic violence case against the petitioners with all genuine facts. She further pleaded that she also filed a criminal case against all the petitioners for the offences punishable under Sections 498-A, 323 and 506 read with Section 34 of IPC and under Sections 3 and 4 of the Dowry Prohibition Act. She further pleaded that she is residing at Eluru along with her maternal grandmother and that the Special Judicial Magistrate of First Class (Mobile Court) at Eluru is having competent jurisdiction to try the domestic violence case.

4. Heard Sri B. Sudhakar Kumar, learned counsel for the petitioners and Sri B.V. Krishna Reddy, learned counsel for the respondent.

5. The contention of the petitioners is that the respondent is originally a native of Muramanda Village in Kadiyam Mandal of East Godavari District and though she is a permanent resident of Muramanda Village in Kadiyam Mandal, to harass the petitioners, the respondent filed a domestic violence case against the petitioners herein before the Special Judicial Magistrate of First Class (Mobile Court) at Eluru, West Godavari District.

6. The contention of the respondent herein is that due to unbearable harassment made by the petitioners, she shifted her residence in the year 2022 from Muramanda Village in Kadiyam Mandal of East Godavari District to the house of her maternal grandmother in Eluru of West Godavari District and she is residing at Eluru and to that extent, a copy of Aadhaar card has also filed along with the domestic violence case. Filing of domestic violence case by the respondent before the Special Judicial Magistrate of First Class (Mobile

Court) at Eluru, along with a copy of Aadhaar card by showing the address of the respondent at Eluru is not at all disputed by the petitioners herein. The contention of the respondent herein is that she is staying at Eluru since 2022 and she also filed proof of residence by way of Aadhaar card before the Special Judicial Magistrate of First Class (Mobile Court) at Eluru.

7. The learned counsel for petitioners would contend that in almost all the cases and registered sale deeds said to have been executed by the respondent and other documents, her permanent residence is shown in East Godavari District viz., vide documents dated 13-11-2014, 21-4-2015, 15-3-2016, 09-6-2016, 23-01-2020, 06-9-2021, 10-9-2021, 30-9-2021, 14-3-2022, 30-6-2022, 28-12-2024 and 13-3-2025. As seen from the reply affidavit filed by the petitioners, in almost all the aforesaid documents which are much prior to 2022, her residence is in East Godavari District, the same is undisputed by the respondent. The contention of the respondent is that she shifted her residence from Muramanda Village in Kadiyam Mandal of East Godavari District to Eluru of West Godavari District to the house of her maternal grandmother in the year 2022 and that she filed the domestic violence case before the Special Judicial Magistrate of First Class (Mobile Court) at Eluru. The contention of learned counsel for petitioners is that though the respondent is permanently residing at Muramanda Village in Kadiyam Mandal of East Godavari District, she purposefully filed the domestic violence case by choosing jurisdiction at Eluru only to harass the petitioners. I am unable to accept the aforesaid contention taken by the learned counsel for petitioners, because if the respondent is staying at Muramanda Village in Kadiyam Mandal of East Godavari District from the year 2022 onwards, it is very difficult for her to travel from a remote village in East Godavari District to Eluru on each and every adjournment, which is situated at a distance of more than 150 kilometres. All the aforesaid documents as mentioned in the reply affidavit of the petitioners to the counter affidavit, almost all the documents are much prior to 2022 and in protection case dated 30-6-2022, the respondent

has shown the residence of her husband as her residence. Voter I.D. Card is not proof of place of residence. At the best, the Voter I.D. Card shows that the respondent is having Voter Card to cast her vote in East Godavari District.

8. The learned counsel for petitioners placed a reliance of this Court viz., **Basetty Pradeep Kumar v. Basetty Gnana Deepthi**<sup>1</sup> and **Padala Satya Rama Krishna Raju v. State of A.P.**<sup>2</sup>.

Admittedly, in the case on hand, except the criminal case no other cases are pending at Alamuru in East Godavari District. The appearance of respondents in a criminal case that too before the Court of Judicial Magistrate of First Class at Alamuru in East Godavari District is not at all required, since police filed a charge-sheet in the said case and the entire prosecution has to be looked after by the Public Prosecutor of that Court. In a case law relied on by the learned counsel for petitioners, as stated supra, this Court held that mere apprehension that justice may not be done at a particular forum and mere inconvenience of the petitioners may not be a ground for transfer of a case, the Court has to see the convenience and inconvenience of the parties. Here, the respondent/wife has been staying at Eluru at the house of her maternal grandmother. Both the learned counsel on record would draw the attention of this Court with regard to Section 27 of the Protection of Women from Domestic Violence Act, 2005. Section 27(1) of the said Act reads thus:

**“27. Jurisdiction.**—(1) the Court of Judicial Magistrate of the first class or the Metropolitan Magistrate, as the case may be, within the local limits of which—  
(a) the person aggrieved permanently or temporarily resides or carries on business or is employed; or

(b) .....

(c) .....

(2) .....”

<sup>1</sup> Tr. CrI. P. No.7/2020, dated 03-02-2021

<sup>2</sup> 2023 Supreme (AP) 875

In the case on hand, the respondent herein is residing at Eluru in West Godavari District. Therefore, the Special Judicial Magistrate of First Class (Mobile Court) at Eluru is having competent jurisdiction to try the domestic violence case.

9. The Apex Court in the case of **N.C.V. Aishwarya v. A.S. Saravana Karthik Sha**<sup>3</sup> held as follows:

*"9. The cardinal principle for exercise of power under Section 24 of the Code of Civil Procedure is that the ends of justice should demand the transfer of the suit, appeal or other proceeding. In matrimonial matters, wherever Courts are called upon to consider the plea of transfer, the Courts have to take into consideration the economic soundness of both the parties, the social strata of the spouses and their behavioural pattern, their standard of life prior to the marriage and subsequent thereto and the circumstances of both the parties in eking out their livelihood and under whose protective umbrella they are seeking their sustenance to life. Given the prevailing socio- economic paradigm in the Indian society, generally, it is the wife's convenience which must be looked at while considering transfer."*

On considering the submissions made by the learned counsel for petitioners and in view of the ratio laid down in the aforesaid case laws that in matrimonial proceedings, the convenience of the wife has to be considered than that of the inconvenience of the husband. The relief sought in the domestic violence case by the respondent herein is that to direct the 1<sup>st</sup> petitioner herein to pay compensation of Rs.50,00,000/- and also for refund of amount of Rs.1,17,00,000/- from the petitioners herein. Therefore, in such a case, the appearance and presence of the petitioners 2 to 7 i.e. relatives of petitioner No.1, who are residing in East Godavari District is not at all required before the Special Judicial Magistrate of First Class (Mobile Court) at Eluru on each and every adjournment in the domestic violence case as long as their counsel is appearing before the said Court at Eluru. Therefore, I am of the considered view that the personal appearance of the petitioners 2 to 7 herein

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<sup>3</sup> 2022 LiveLaw (SC) 627



i.e. respondents 2 to 7 in D.V.C. No.19 of 2022 before the Special Judicial Magistrate of First Class (Mobile Court) at Eluru, West Godavari District, has been dispensed with except on the days when their presence is required before the said Court.

10. In the result, the transfer criminal petition is dismissed. The personal appearance of the petitioners 2 to 7 i.e. respondents 2 to 7 in D.V.C. No.19 of 2022 before the Special Judicial Magistrate of First Class (Mobile Court) at Eluru, West Godavari District, has been dispensed with, except on the days when their presence is required before that Court in the said case. Pending applications, if any, shall stand closed.

**Sd/- P U V BHASKAR RAO**  
**ASSISTANT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To,**

1. The Special Judicial Magistrate of First Class (Mobile) For Trail of Cases under Pcr Act at Eluru -III Additional Junior Civil Judge at Eluru West Godavari District.
2. The Judicial First Class Magistrate at Alamuru, East Godavari District.
3. One CC to Sri B. Sudhakar Kumar, Advocate [OPUC]
4. One CC to Sri B V Krishna Reddy, Advocate [OPUC]
5. Two CC's to The Public Prosecutor, High Court of Andhra Pradesh at Amaravati [OUT]
6. **Three CD Copies**

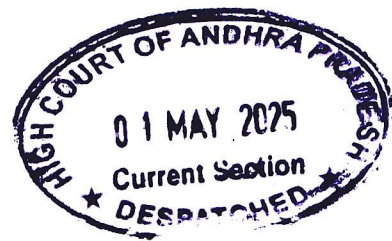
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**HIGH COURT**

**DATED:24/04/2025**

**ORDER**

**TRCRLP.No.24 of 2025**



**DISMISSING THE TRCRLP**