APHC010188472026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3397]**
(Special Original Jurisdiction)

MONDAY,THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION NO: 47/2026

Between:

Mude Gopal Dinesh Naik **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. CHINTA NAGA SUMANTH

Counsel for the Respondent(S):

1. PUBLIC PROSECUTOR
2. NIRMALBABU A

The Court made the following:

Reserved on 08.05.2026
Pronounced on 15.06.2026
Uploaded on 15.06.2026

THE HON'BLE SRI JUSTICE V.GOPALA KRISHNA RAO

TRANSFER CRIMINAL PETITION No.47 of 2026

ORDER:

The petitioner has filed the present petition under Section 447 of B.N.S.S., Act seeking to withdraw M.C.No.40 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and transfer the same to the competent Court at Guntur City.

2. The case of the petitioner is as follows:

I. The petitioner is the husband of the respondent No.2 and their marriage was solemnized on 19.06.2021. In view of the matrimonial disputes between both the parties, the respondent No.2/wife is separately residing at her parents' house at Nandigama. The petitioner further pleaded that the respondent No.2 lodged a complaint before the Nandigama Police Station, NTR District, under Sections 498-A, 323, 508 r/w 34 IPC *vide* Cr.No.205 of 2022 and after completion of investigation, the Police filed Charge Sheet *vide* C.C.No.2421 of 2022, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and the same is pending for adjudication. The petitioner further pleaded that the respondent No.2 filed a Maintenance Case *vide* M.C.No.40 of 2023 and a Domestic Violence Case *vide* D.V.C.No.18 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District, and the petitioner/husband is

attending the case proceedings in the aforesaid cases before the Court at Nandigama.

II. The petitioner further pleaded that he is a Railway Employee working as a Helper in the Southern Railways at Chennai and he was born and brought up at Thiruvallur District, Tamilnadu and is presently residing along with his family members at Thiruvallur District. The petitioner further pleaded that his parents are Senior Citizens and they are aged about 58 and 73 years respectively and the distance in between Thiruvallur and Nandigama is approximately 650 Kms. The petitioner further pleaded that they being the non-locals and unfamiliar with the local language and surroundings at Nandigama, are facing severe difficulty in securing proper legal assistance and they have engage three advocates at Nandigama and the said advocates have withdrawn their vakalaths after attending few adjournments and they pressurized the petitioner to settled the matrimonial dispute by paying monetary amounts to the respondent No.2. The petitioner further pleaded that the respondent No.2/wife is having considerable social and local influence at Nandigama and they are also being subjected to intimidation and pressure from local Police. The petitioner further pleaded that after change of local counsels at Nandigama, the learned trial Judge has been posting the aforesaid three cases on different dates. The petitioner further pleaded that even after oral requests and filing a memo seeking

posting of all matters on a single date, the learned trial Judge has not considered the said request of the petitioner.

III. Learned counsel for the petitioner contended that the petitioner is under a reasonable and bona fide apprehension that they may not receive a fair and impartial hearing before the trial Court owing to the prevailing local influence of the respondent No.2 and her family members, which has created an atmosphere not conductive for the petitioner to effectively participate in the proceedings and that the petitioner is constrained to file the present transfer criminal petition seeking to withdraw M.C.No.40 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District and transfer the same to the competent Court at Guntur City.

3. Heard Sri Chinta Naga Sumanth, learned counsel for the petitioner, learned Public Prosecutor appearing for the respondent No.1/State and Sri Nirmalbabu.A, learned counsel for the respondent No.2. Perused the material available on record.

4. The grounds urged by the petitioner for seeking transfer of a case is that he is under a reasonable and bonafide apprehension that he may not receive a fair and impartial hearing before the Court at Nandigama. The apprehension of not getting a fair and impartial enquiry or trial is required to be reasonable and not imaginary based upon conjunctures and surmises. Moreover, the petitioner is seeking transfer of a case from Nandigama to Guntur City. The petitioner herein is not residing in Andhra Pradesh and he is

residing in Tamilnadu. The material available on record goes to show that the respondent No.2/wife filed a maintenance Case vide M.C.No.40 of 2023, on the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District, seeking monthly maintenance for her and she further contended that she is unable to maintain herself. Therefore, in the aforesaid circumstances, it is not just and proper to travel at a distance of 100 kilometers from Nandigama to Guntur. Moreover, the petitioner herein is not residing at Guntur, he is residing in Tamilnadu State.

5. The Apex Court in a case of **N.C.V. Aishwarya Vs A.S.Saravana Karthik Sha**[1] 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."*

6. In view of the ratio laid down in the aforesaid case law that in matrimonial proceedings, the convenience of the wife has to be considered than that of the inconvenience of the husband and as noticed *supra*, the respondent No.2/wife filed a maintenance Case vide M.C.No.40 of 2023, on

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[1] **2022 LiveLaw (SC) 627**

the file of the Additional Judicial Magistrate of First Class, Nandigama, NTR District, seeking monthly maintenance and the aforesaid case is also pending before the competent Court at Nandigama. In view of the aforesaid reasons, I do not find any merit and subsistence in the contentions taken by the petitioner and as such, the present Transfer Criminal Petition is liable to be dismissed as devoid of merit.

7. With the above observations, the Transfer Criminal Petition is **dismissed**. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any pending and the Interim order granted earlier, if any, shall stand closed.

JUSTICE V.GOPALA KRISHNA RAO

Date: 15.06.2026

SRT