



HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 1253 of 2026

24 August, 2026

Ranvir Kaur And Ors

--Applicants

Versus

State Of Uttarakhand & Anr.

--Respondent

Presence:-

Mr. Jitendra Chaudhary, learned counsel for the Applicant.

Mr. Tumul Nainwal, learned A.G.A. for the State.

Ms. Zeba Naaz and Mohammad Rishab, learned counsel for the respondent.

(Rakesh Thapliyal, J.)

1. The instant petition is moved under Section 528 of BNSS 2023 by the applicants Smt. Ranvir Kaur, Sri Rajiv Rhoda and Sidharth Rhoda for challenging the entire proceeding of Criminal Case No. 7452 of 2025, State vs. Sidharth Rhoda & others along with Cognizance order dated 03.11.2025 arising out of case crime no. 0659 of 2024 on the basis of the FIR dated 18.10.2024 lodged at P.S. Patel Nagar District Dehradun along with charge sheet dated 09.05.2025 whereby all these applicants have been summoned to face the trial for the offences punishable under Sections 498A and 504 IPC read with Section 3/4 of D.P. Act.

2. Brief facts of the case are that applicant no. 3 Siddharth Rhoda married with respondent no. 2 on 26.02.2023 and they live together for a month, in the meantime the applicant got a job offer from Canada and he left the country on 01.04.2023 and respondent no. 2 went to her matrimonial house since then applicant no. 3 came back to India and since then both are



living separately. The respondent also never visited to her in-laws house and the matrimonial discord in between both of them started, consequently, respondent no. 2 initiated different proceedings against her husband and in-laws, the details of which are mentioned at para 4 of the petition which are as follows:-

- (i) Maintenance Case, i.e., Case No. 284 of 2024, Smt. Priyanshi Aggrawal vs. Sidharth Rhoda under Section 144 of BNSS 2023 pending before the Principal Judge, Family Court, Dehradun.
- (ii) Misc. Case No. 2219 of 2024, Smt. Priyanshi Aggrawal vs. Sidharth Rhoda, under section 12, 18, 19, 20, 22 and 23 of the Domestic Violence Act, pending before the A.C.J. (Jr. Div.) I, Dehradun.
- (iii) O.S. No. 916 of 2024, Smt. Priyanshi Aggrawal vs. Sri Sidharth Rhoda, under Section 13(i)(i-a) of the Hindu Marriage Act, pending in the court of Principal Judge, Family Court, Dehradun.
- (iv) The present proceeding which is being challenged in this petition arising out of FIR dated 18.10.2024, bearing FIR No. 0659 of 2024.

3. In addition to this, applicant no. 3 Sidharth Rhoda also filed petition for restoration of the conjugal rights numbered as HMA No. 1736 of 2026, titled as Sidharth Rhoda vs. Priyanshi Aggarwal under Section 9 of Hindu Marriage Act, pending in the court of Principal Judge, Family Court Ludhiana, State of Punjab.

The transfer petition is also filed by respondent no. 2, i.e, Transfer Petition (Civil) No. 161 of 2026, Priyanshi Aggarwal vs. Sidharth Rhoda before the Apex Court for transfer of



proceeding of HMA No. 1736 of 2025 to Dehradun.

4. In addition to this applicant Sidharth Rhoda also filed another petition i.e. C528 No. 1462 of 2026 wherein a limited relief was sought that the Authority may grant NOC for the purposes of renewal of his passport which has been put on hold because of all these pending proceedings initiated by respondent no. 2 wherein on 24.07.2026 an order was passed by this Court and directed the Passport Authority to issue necessary NOC for the purposes of renewal of passport. This order was passed since an undertaking was given by the applicant's that they all want to settle the matrimonial dispute and to this extent, applicant no. 2 (father of applicant no. 3) also filed an affidavit on 16.07.2026. The undertaking as given in C528 No. 1462 of 2026 is now fulfilled. The passport of applicant no. 3 is renewed and now he came back from Canada to India in order to settle the matrimonial dispute.

4. Applicant no. 3 is present along with his father and this Court interacted with him and he submits that he still wants to restore his matrimonial life and wants to live with the respondent no. 2. Respondent no. 2 who joined the proceeding through V.C. on interaction refuse to go with the applicant and she wants divorce for which she has already approached to the Family court. On further interaction with respondent no. 2 this Court is of the view that respondent no. 2 is adamant to seek divorce and asked for her jewellery which is lying with the applicant no. 3 and in-laws worth of Rs. 20 lakhs and in addition to this, there was an expenditure of Rs. 40 lakhs in marriage she also wants this much amount from the applicants. The present applicant who is present in Court object that all the



ornaments she has already taken back and only one bag she left and they never opened it and so far as expenditure towards marriage is concerned, he also submits that they also incurred expenditure of Rs. 20 lakhs in the marriage.

5. Since, now the respondent/wife has strictly refused to live with applicant no. 3, in such an eventuality there is no option except that the parties may get divorce by mutual consent. Applicant no. 3 also apprise this Court that he was already offered job in Canada but due to these pending proceedings the Canada Authorities did not accept his joining and asked for clearance of these proceedings.

6. Respondent no. 2 also filed a divorce petition in addition to other proceedings the details of which has been given above.

7. After taking into consideration the submissions as above, the instant petition is disposed of finally with the following directions:-

(i) Applicant no. 3 is directed to file an affidavit in the pending divorce petition filed by respondent no. 2 within 15 days to give his consent for divorce.

(ii) The concerned Family Court shall proceed with the divorce petition filed by respondent no. 2 after taking into consideration the consent of applicant no. 3 for such divorce and fix the date for first motion. Respondent no. 2 shall also file an additional affidavit in the pending divorce petition giving details of jewellery lying with them according to respondent and on such application, the Family Court may also give opportunity to the parties to file their submissions so that the issue with regard to claim of jewellery be also decided by the



Family Court before passing an order in the first motion. So far as expenditure part in marriage from both the sides i.e. Rs. 40 lakhs from the side of respondent no. 2 and Rs. 20 lakhs from the side of the applicants are concerned, to resolve this issue both the parties are directed to resolve it amicably but this issue will not come into the way of the Family Court to decide the divorce petition though Family Court shall make all possible efforts to resolve this issue also.

(iii) The concerned Family Court shall make all endeavour to decide the issue of claims from both the sides and pass the final order within a month from the date of presentation of the copy of this order.

(iv) After deciding the issue of claim and counter claim the Family Court then proceed for the first motion and complete the same within next 15 days on expiry of aforesaid one month period.

(v) After closing first motion, the Family Court then will give another date for the second motion within next 20 days and expedite the same.

It is made clear that Family Court shall waive off the statutory period of separation since both are living separately since last more than three years.

7. Subject to the aforesaid direction as above, all the pending proceedings as mentioned above shall remain in abeyance and shall be subject to the final outcome of the divorce petition.

(Rakesh Thapliyal, J.)

Parul