

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4360 OF 2024

Nilima Harish Parikh

..Petitioner

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. Aniket Nikam i/b. Omkar Mulekar a/w. Sakshi Jogdand for
Petitioner.

Mr. Sukanta A. Karmarkar, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.**

DATE : 6 DECEMBER 2024

PC :

1. The present writ petition is for quashing of the SC/ST Special Case No.1339 of 2023 arising out of the C.R.No.1137 of 2022 registered with Worli police station, Mumbai. The allegations are regarding commission of the offences punishable under sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the Petitioner submitted that the petitioner is a 74 year old lady and she is mother in law of the first

informant/Respondent No.2. After conclusion of the investigation, the investigating agency has mentioned in the last paragraph of the charge-sheet that the allegations regarding the utterance of derogatory words attributed to the petitioner in respect of these offences are not reflected in the statements of the witnesses. Such references are found only in the F.I.R. Learned counsel further submitted that the Respondent No.2 has filed a complaint under the Protection of Women from Domestic Violence Act. This is an exhaustive complaint and yet in the said complaint there is no reference to the allegations made in the present F.I.R.

3. Considering these submissions, it is necessary to hear the Respondent No.2. Learned counsel for the petitioner has made out a case for grant of ad-interim relief.

4. Hence, the following order:

O R D E R

- i) Issue Notice to the Respondent No.2, returnable on 14.02.2025.
- ii) Till then, the Trial Court shall not proceed against the present petitioner.

- iii) It is clarified that, this ad-interim protection is granted only in respect of the present petitioner.
- iv) Stand over to 14.02.2025.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)