

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

CRIMINAL WRIT PETITION NO.3421 OF 2024

Sindhutai Tanaji Patil & Anr. Petitioners

versus

The State of Maharashtra & Anr. Respondents

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- Mr. S. R. Nargolkar i/b. Arjun B. Kadam, Advocate for Petitioners.
- Smt. M. H. Mhatre, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 30th JANUARY, 2025

P.C. :

1. In this case, the notice is already issued to the Respondent No.2 vide the order dated 09/01/2025. Hamdust was granted. However the report of service through Hamdust is not yet received back. In the meantime, the learned counsel for the Petitioners states that they have served the Respondent No.2 through private service and they have filed affidavit of service in the registry. This statement is accepted. He submitted that till the report of Hamdust notice is returned, it is necessary to consider the question of ad-interim relief till the next date

because once the charges are framed, then this Petition would become infructuous.

2. Considering this urgency, we have heard the learned counsel for consideration of ad-interim relief till the Hamdust notice is served on the Respondent No.2.

3. Both the Petitioners are seeking to quash the proceedings arising out of C.R. No.138/2021 registered at Turbhe Police Station on 16/09/2021 u/s 498-A, 406 of the Indian Penal Code at the behest of Respondent No.2. Learned counsel invited our attention to the FIR. Learned counsel submitted that the entire FIR does not make out any ingredients of either sections 498-A or 406 of the IPC. The Petitioner No.2 is the husband and the Petitioner No.1 is mother-in-law of the Respondent No.2. The FIR itself mentions that, for major part of their matrimonial co-habitation, the Respondent No.2 and the Petitioner No.2 were in the USA. The allegations pertain to matrimonial dispute, but it does not amount to cruelty u/s 498-A of the IPC. In any case, the Petitioner No.1 was residing at Kolhapur and there are hardly any allegations against her.

4. Considering these submissions, it is necessary to hear the other side i.e. the Respondent No.2. But till then, based on the submissions of learned counsel for the Petitioners, the Petitioners can be protected.

5. Hence, the following order :

ORDER

- (i) Await service through Hamdust.
- (ii) List this matter on 28/03/2025.
- (iii) Till then, the Trial Court shall not proceed against the Petitioners in the subject matter.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)