

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

CRIMINAL WRIT PETITION NO.2589 OF 2025

Sudai Mani Perumal
and others

.....Petitioners

Versus

The State of Maharashtra
and another

.....Respondents

Mr. Murugaseelan Perumal, Advocate a/w. Rahul S. Tiwari for the
Petitioners.

Mr. S.R. Agarkar, APP for the Respondent No.1-State.

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

DATE : 09th MAY, 2025

P.C. :

1. This is a Petition for quashing of the proceedings in connection with R.C.C. No.1639/2024 pending before the J.M.F.C.,Ulhasnagar arising out of C.R. No.343/2024 registered at Vithalwadi police station, District-Thane on 30.5.2024 under Sections 498-A, 323, 504, 506, 342 read with 34 of IPC.

2. Heard Mr. Murugaseelan Perumal, learned counsel for the Petitioners and Mr. S.R. Agarkar, learned APP for the Respondent No.1-State.

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3. The FIR is lodged by the Respondent No.2. The Petitioner No.1 is her husband. The Petitioner Nos.2 & 3 are his parents and the Petitioner No.4 is his brother.

4. Learned counsel for the Petitioners submitted that the Respondent No.2 hardly stayed with the Petitioners for about six months. She started residing separately since about December, 2022 and the FIR is lodged much belatedly on 30.5.2024. He submitted that the Petitioner No.1 filed the proceedings for divorce on 18.1.2024. After that the Respondent No.2 filed the proceedings under the Protection of Women from Domestic Violence Act on 25.4.2024. During the counseling session in connection with those proceedings, she went ahead and lodged this FIR on 30.5.2024 as a counter blast to the steps taken by the Petitioner No.1.

5. Learned counsel for the Petitioners relied on a transcript of the recorded conversation between the Respondent No.2's father and the Petitioner Nos.1 & 2. The conversation clearly shows that the Respondent No.2's father is threatening to lodge a case against the Petitioners.

6. We have considered the FIR in the light of the submissions made by learned counsel for the Petitioners. The charge-sheet contains the statements of her parents who have supported the allegations in the FIR. The FIR mentions that the Respondent No.2 got married with the Petitioner No.1 on 15.4.2022. At that time her father had spent for the marriage expenses. He gave ornaments to the Petitioner No.1 and *stridhan* to the Respondent No.2. The FIR makes allegations that the Respondent No.2 was not allowed to pursue her education. She was not treated properly with respect in her matrimonial house. Sometimes some demands were made for the ornaments. The Petitioners wanted to buy a flat at Dharavi. The informant was asked to bring Rs.20 Lakhs from her parents. When she refused, they demanded a four-wheeler and a two-wheeler. Since these instances were continuously repeated, she started residing with her parents from December,2022. The Petitioner No.1 had gone to USA in March,2023; but thereafter the Respondent No.2 was not brought back to her matrimonial house.

7. There is some force in the submissions of the learned counsel for the Petitioners, at this stage, considering the date of

filing of the FIR in the backdrop of the conversation between the parties wherein the Respondent No.2's father had threatened to file a complaint against the Petitioners. Therefore, it is necessary to hear the Respondent No.2. At this stage, the Petitioners have made out a case for grant of ad-interim relief.

8. Hence, the following order:

:: O R D E R ::

- i. Issue notice to the Respondent No.2, returnable on 31.7.2025.
- ii. Till then the trial Court shall not proceed against the Petitioners. We are informed that the charge-sheet is not yet filed against the Petitioner No.1. If the charge-sheet is filed against the Petitioner No.1, the trial Court shall not proceed against him as well, till the next date before this Court.
- iii. Stand over to 31.7.2025.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)