

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO.430 OF 2015

(Namdeo Khandappa Yelgundee & another Vs. The State of Maharashtra & another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. M. Kukday, Advocate for the applicants.
A.P.P. for respondent No.1-the State.
Shri Abhay Sambre, Advocate for respondent No.2.

**CORAM : B. P. DHARMADHIKARI AND
V. M. DESHPANDE, JJ.**

DATED : 27 NOVEMBER, 2015

Heard respective Counsel. Perused reply filed by the learned A.P.P. The question is whether real date of birth of the bride is 06/9/1983 and whether it was known to the petitioners. The petitioners state that for Kundali matching, date 23/9/1984 was communicated and on that basis, marriage was settled. The engagement was also performed and thereafter petitioners came to know the real date of birth.

Shri Sambre, learned Counsel submits that real date of birth was always known to the petitioners as bridegroom as also the bride were registered on the website- Shaadi.com and they have seen the profile of each other there.

Learned A.P.P. points out that investigation is still going on.

We do not wish to go into the merits of controversy at this stage. Respondent No.1-investigating agency has to consider the issue impartially and independently keeping in mind the circumstances in which it arise. The investigating agency, therefore, has to collect the documents from both the sides during investigation.

As such, with the hope that non-applicant No.1 will conduct investigation properly and independently, keeping all rival contentions open as also with liberty to the applicants to approach in appropriate jurisdiction if any cause arises, we dispose of the criminal application.

Criminal Application (APL) No. 430 of 2015 is disposed of. No costs.

JUDGE

JUDGE