



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

16 CRIMINAL APPLICATION NO. 3219 OF 2019

1. Shobha W/o Abasaheb Korde,
Age: 52 years, Occu: Household,
R/o. Dawarwadi, Tq. Paithan,
Dist. Aurangabad.
2. Hirabai W/o Baban Rahatwade,
Age: 52 years, Occu: Household,
R/o. Satara Khandoba, Near Masjit,
Tq. & Dist. Aurangabad.
3. Yogita W/o Ashok Rahatwade,
Age:25 years, Occu: Household,
R/o. Malhar Chowk, Satara Khandoba,
Tq. & Dist. Aurangabad.

... Applicants

Versus

1. The State of Maharashtra
Through Investigation Officer,
Police Station Kopargaon,
Tq. Kopargaon, Dist. Ahmednagar.
2. Kishor S/o Asaram Misal,
Age: 32 years, Occu: Agriculture,
R/o. Dahegaon Bolaka, Tq. Kopargaon
Dist. Ahmednagar.

... Respondents

...
Advocate for Applicants : Mr. Ravindra Vitthal Gore.
APP for Respondent / State : Mr. S. A. Gaikwad.
Advocate for Respondent No.2 : Mr. Lale Yelwatkar S. N. **(Absent)**
...

CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 11th June, 2025.

Per Court:

. Present application has been filed under Section 482 of the Code of Criminal Procedure initially for quashment of the FIR vide C.R. No.I-82 of 2019, dated 12th June, 2019, registered with Kopargaon Police Station, Taluka Kopargaon, District, Ahmednagar, for the offence punishable under Sections 420, 385, 379, 120 (B) and 504 of the Indian Penal Code, and later on, for quashing the charge-sheet bearing R.C.C. No.162 of 2020, pending before the learned Additional Chief Judicial Magistrate, Kopargaon, for the offence punishable under Sections 420, 379, 385, 120 (B) and 504 read with 34 of the IPC.

2 Heard the learned counsel for the applicants and the learned APP for respondent No.1. The learned counsel for respondent No.2 is absent.

3 Perused the charge-sheet including the FIR.

4 The learned counsel appearing for the applicants submits that the applicants were not at all related to the girl against whom mainly the offence is stated to have been surrounded. Applicant No.1 is the wife of Abasaheb Korde, who has acted as a mediator and applicant No.3 is the daughter of applicant No.1 and Abasaheb. Applicant No.2 is the mother-in-law of applicant No.3. They have no

concern or had knowledge about the earlier marriage of co-accused Archana, who is stated to have got married to the informant and then cheated him. The applicants are not the beneficiaries of any of the acts of the main accused.

5 The learned APP strongly opposes the application and submits that in the FIR it is clearly stated that in January 2019, the informant had contacted Abasaheb Korde for a suitable bride for the informant and when the informant and his relatives had gone to see the girl (would be bride), the present applicants were present. Even they were present when the talks of settlement of marriage had taken place after about four days. Therefore, certainly they have a role to play.

6 Perusal of the FIR and the statements of witnesses would show that the informant had married earlier but had taken divorce through Court decree on 13th October, 2016. He wanted to perform second marriage. His cousin sister had then given a phone call in January 2019, stating that one Abasaheb Korde, resident of Dawarwadi, Taluka Paithan, District Aurangabad, has a *would be bride* and therefore, the informant, his mother and cousin sister went to Abasaheb. Abasaheb then told him that he does the matchmaking by taking charges. Then he suggested the name of the daughter of one

Shankar Ramkisan Manchre of the same village and then all of them went to the house of Shankar Manchre, where the present applicants were present. Applicant No.1 is the wife of Abasaheb, applicant No.3 is his daughter and applicant No.2 is the mother-in-law of applicant No.3. Upon query as to why the applicants were present at that time; the learned counsel for the applicants submits that they were present in the capacity as relatives. The informant states that he had approved the girl on the same day. After two days, Shankar alongwith his relatives had visited the house of the informant and then they told that the informant should come to Dawarwadi after two days, then they will settle the marriage date as well as talks. Accordingly, the marriage was settled. He says that he had incurred loan for marriage expenses and then the marriage was performed on 7th February, 2019. The girl had not allowed him to even touch under the pretext that she is suffering from cancer as well as HIV and also gave threat. He then says that he had received a phone call from one Gopinath Bhausahab Bhojne with whom his wife had talked for about an hour. On 25th February, 2019, the informant's wife i.e. co-accused Archana fled at night time by taking cash amount of Rs.16,000/-, keys of his car as well as motorcycle, two mobile phones and the gold ornaments. He had lodged the missing report and after Archana was found, he had taken her back. He states that thereafter, Shankar Manchre told him that, in fact, Archana is married to Gopinath Bhojne and they had laid a

trap. Shankar gave threats to implicate the informant in a case for the offence punishable under Section 498-A of the IPC and to defame him. He had even demanded an amount of Rs.1,00,000/- and gave him the bank account number. The entire story would definitely show that at the initial stage, the applicants were in picture and it is impossible that the applicants were not knowing about the marriage of said Archana with Gopinath Bhojne, as the applicants claimed to be the relatives of the girl. The record further shows that the statement of said Gopinath Bhojne has been recorded and the girl had cheated him in the same way. Therefore, this is not a fit case where we should exercise our inherent powers under Section 482 of the Cr.P.C. The criminal application stands rejected.

nga

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]