



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.50 OF 2022

Neeta Ajit Pawar,
Age: 28 years, Occu.: Service,
R/o. Professor Colony, Deopur,
Dhule.

.. Applicant

Versus

1. The State of Maharashtra
(Through Shivajinagar Police Station,
District Beed).
2. Ajit Sundarrao Pawar,
Age: 27 years, Occu.: Service,
R/o. Dhanora Road, B and C Quarters,
District Beed.

.. Respondents

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WITH

CRIMINAL APPLICATION NO.4076 OF 2023

1. Sagarbai Sampat Rathod
Age: 63 years, Occu.: Household,
R/o. Pasandi Tanda,
Tq. Paithan, District Aurangabad.
2. Sonali Vinod Jadhav
Age: 34 years, Occu.: Household,
R/o. Shop No.58, Jaybhavani Nagar,
Garkheda Parisar, Aurangabad.
3. Ayesha Shaikh Abdul Wahab
Age: 30 years, Occu.: Private Service,
R/o. Shivshankar Nagar, Kinwat,
Tq. Kinwat, District Nanded.
4. Vinod Uttam Jadhav
Age: 35 years, Occu.: Nil,
R/o. Balapur Fata, Beed Bypass,
Jay Jijau Nagar, Aurangabad.
5. Rajan Sampatrao Rathod,
Age: 28 years, Occu.: Nil,
R/o. Naik Nagar, Plot No.34,
Aurangabad, District Aurangabad.

.. Applicants

Versus

1. The State of Maharashtra
Through Shivaji Nagar Police Station,
Beed, District Beed.
2. Ajeet Sundarrao Pawar,
Age: 30 years, Occu.: Service,
R/o. In front of B and C Quarter,
Dhanora Road, Beed,, District Beed.

.. Respondents

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Mr. M. K. Bhosale, Advocate for the applicants in both the matters.
Mrs. R. P. Gour, APP for respondent No.1/State in both the matters.
Mr. Yogesh H. Lagad, Advocate for respondent No.2 in both the matters (Appointed).
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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 17 MARCH 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present applications have been filed for quashment of the proceedings in R.C.C.No.309 of 2019 pending before the learned Judicial Magistrate First Class, District Beed arising out of the FIR vide Crime No.25 of 2018 registered with Shivajinagar Police Station, Beed on 08.01.2018 for the offences punishable under Sections 420, 143, 504, 506, 507 of Indian Penal Code.

2. Heard learned Advocate Mr. M. K. Bhosale for the applicants in both the applications, learned APP Mrs. R. P. Gour for respondent No.1 in both the applications and learned Advocate Mr. Yogesh H. Lagad, who is appointed to represent the cause of respondent No.2. In order to cut

short it can be said that all the Advocates have made submissions in support of their respective contentions.

3. Respondent No.2/informant has come with the case that there was a marriage proposal of applicant Neeta through a Marriage Bureau to the informant. There were certain terms and conditions. It was decided that respondent No.2 would give 100 grams of gold jewellery to the applicant in the marriage ceremony. Accordingly, 50 grams of gold was purchased in the name of applicant Neeta and remaining 50 grams of gold was purchased in the name of respondent No.2. Applicant had come to the house of respondent No.2/husband on 15.12.2017 along with her brother and friend. At that time, applicant/wife was wearing gold jewellery worth Rs.3,28,000/- and took cash of Rs.90,000/- along with her. In fact, the applicant was having love affair with a boy i.e. Nikhil @ Dinesh Koli since before the marriage, but it was not disclosed to respondent No.2. When respondent No.2 came to know about the said love affair, then the parents of respondent No.2 had called the applicant for settlement, but at that time, the applicant Neeta demanded amount of Rs.11,00,000/- for divorce. However, thereafter after the registration of the offence and filing of charge-sheet, respondent No.2 had filed petition for divorce on the ground of adultery. Then they had filed a joint application for conversion of the said divorce petition into mutual consent divorce petition. Accordingly, by judgment and order dated 12.11.2019,

the marriage between applicant Neeta and respondent No.2 came to be dissolved by learned Joint Civil Judge Senior Division, Beed in Hindu Marriage Petition No.20 of 2018. If respondent No.2 was well aware about the affair of applicant Neeta, then he would have not married her. Respondent No.2 has been cheated and the said gold jewellery has not been returned.

4. The applicant No.1 in Criminal Application Nos.4076 of 2023 is the mother of applicant/Neeta. Applicant No.2 Sonali is the sister of Neeta and applicant No.4/Vinod is Sonali's husband. Applicant No.3 Ayesha is Neeta's friend and applicant No.5 is Neeta's relative. They all had the knowledge about the love affair of Neeta, but without disclosing the said fact, they had taken the amount and gold jewellery from respondent No.2 thereby helped the applicant/Neeta to cheat respondent No.2. It is also alleged that whenever the informant had told the incident to these co-accused, they had abused and insulted the informant by forming unlawful assembly.

5. The first and the foremost fact now to be noted is that the relationship between applicant/Neeta and respondent No.2 has come to an end with dissolution of their marriage under the decree that was passed by learned Joint Civil Judge Senior Division, Beed on 12.11.2019 under Section 13-B of the Hindu Marriage Act i.e. by mutual consent.

Under such circumstance, it will not be appropriate to ask the parties to face the trial. It appears from the statements of witnesses that they are the relatives of respondent No.2 and till the marriage, nobody had suspected anything. When respondent No.2 had given consent for the petition for divorce, we are of the opinion that this is a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure, however, as the applicants have utilized the machinery and the fact that there were allegations of suppression of fact regarding the relationship before the marriage, they should deposit amount of cost, which should then be given to respondent No.2. Hence, the following order :-

ORDER

- I) Both the Criminal Applications are allowed.
- II) The proceedings in R.C.C. No.309 of 2019 pending before the learned Judicial Magistrate First Class, District Beed arising out of the FIR vide Crime No.25 of 2018 registered with Shivajinagar Police Station, District Beed on 08.01.2018 for the offences punishable under Sections 420, 143, 504, 506, 507 of Indian Penal Code, stand quashed and set aside as against the applicant in Criminal Application No.50 of 2022 – **Neeta Ajit Pawar** and applicants in Criminal Application No.4076 of 2023 -

(i) Sagarbai Sampat Rathod, (ii) Sonali Vinod Jadhav, (iii) Ayesha Shaikh Abdul Wahab, (iv) Vinod Uttam Jadhav and (v) Rajan Sampatrao Rathod.

III) Applicant in Criminal Application No.50 of 2022 to deposit cost of Rs.70,000/- and the applicants in Criminal Application No.4076 of 2023 to deposit cost of Rs.10,000/- each in this Court on or before 02.05.2025. After the deposit of the said amount, it is to be given to respondent No.2.

IV) Fees of learned Advocate, who is appointed to represent the cause of respondent No.2, is quantified at Rs.5,000/- in each matter, to be paid by High Court Legal Service Sub Committee, Aurangabad.

**[SANJAY A. DESHMUKH]
JUDGE**

**[SMT. VIBHA KANKANWADI]
JUDGE**

scm