



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

49 CRIMINAL APPLICATION NO.4024 OF 2024

- 1 Manoj Ramesh Chinchole,
Age 37 yrs., Occ. Service,
- 2 Ramesh Damodar Chinchole,
Age 65 yrs., Occ. Business,
- 3 Pushpa Ramesh Chinchole,
Age 64 yrs., Occ. Household,
- 4 Vilas Damodar Chinchole,
Age 63 yrs., Occ. Agri.,
- 5 Digambar Damodar Chinchole,
Age 57 yrs., Occ. Driver,

Applicant Nos.1 to 5 are
r/o Pawan Galli, Junegaon,
At Post Mehunbare, Tq. Chalisgaon,
Dist. Jalgaon.

- 6 Pankaj Ramesh Chinchole,
Age 38 yrs., Occ. Service,
- 7 Rohini Pankaj Chinchole,
Age 32 yrs., Occ. Household,

Applicant Nos.6 and 7 are
R/o Room No.303, House No.1062,
Sector No.5, Nishigandh Apartment,
Koparkhairne, Dist. Thane.

- 8 Khemraj Bhatu Dashpute,
Age 38 yrs., Occ. Service,
- 9 Dipali Khemraj Dashpute,
Age 33 yrs., Occ. Household,

Applicant Nos.8 and 9 are
R/o Flat No.402, B-Building,
Majestique Manhattan, Phase 2,
Siraj Dokadia Road, Opp. Lexicon School,
Wagholi, Pune.

- 10 Janardhan Kashinath Zodge,
Age 76 yrs., Occ. Nil,
R/o At Post Zodge, Tq. Malegaon,
Dist. Nashik.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Ramanand Nagar
Police Station, Jalgaon,
Tq. & Dist. Jalgaon.
- 2 Punam Manoj Chinchole,
Age 30 yrs., Occ. Household,
R/o C/o Gopal Vishnu Yeole,
Namdev Nagar, Pimprala,
Jalgaon.

... Respondents

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Mr. S.V. Dixit, Advocate for applicants

Mr. S.A. Gaikwad, APP for respondent No.1

Ms. Poonam Manoj Chinchole, Advocate (appointed through Legal Aid) for
respondent No.2 - **absent**

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 03rd SEPTEMBER, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashment of First Information Report vide Crime No.122/2024 dated 18.04.2024 registered with Ramanand Nagar Police Station, Jalgaon, Tq. & Dist. Jalgaon, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and later on by way of amendment for quashing the proceedings in Regular Criminal Case No.900/2024 pending before learned Judicial Magistrate First Class, Jalgaon.

2 Heard learned Advocate Mr. S.V. Dixit for applicants and learned APP Mr. S.A. Gaikwad for respondent No.1. Learned Advocate appointed through High Court Legal Services Sub Committee, Aurangabad to represent respondent No.2 remained absent.

3 Leave to correct the name of applicant No.10. Amendment to be carried out immediately.

4 Before turning to the disputed facts what is admitted is that applicant No.1 got married to respondent No.2 on 09.07.2022. Other applicants i.e. applicant Nos.2 to 9 are the relatives of applicant No.1.

Applicant No.10 is in fact maternal uncle of applicant No.2 – father-in-law. That means, at the most, it can be said that he is distantly related to respondent No.2.

5 Respondent No.2 in her First Information Report states that she was treated properly for about two months when in her matrimonial home she was residing with husband, mother-in-law and father-in-law. Applicant No.9 is sister-in-law, who resides at Pune. Applicant No.6 is brother of husband and applicant No.7 is wife of applicant No.6. They both are residing at Thane. Though it appears that applicant Nos.4 and 5 are brothers of father-in-law, they reside separately in the same village. The informant states that after two months of marriage applicant Nos.1 to 3, 6, 7 and 9 started saying that they were not properly honoured at the time of marriage. It was agreed that her mother and brother would give amount of Rs.10,00,000/- at the time of marriage, but it was not given. Those applicants used to give pinching words to her by saying that her behaviour is not proper and she is unable to cook the food properly. Upon the instigation by others, husband used to assault her and demand amount of Rs.10,00,000/- for the construction of house. Threat was given that she will not be allowed to cohabit otherwise. When she used to express her inability, then the accused used to assault her and he never gave her treatment as his wife. Thus, it is to

be noted that the alleged harassment had started after two months of marriage i.e. somewhere in September - October, 2022. When applicant Nos.6, 7 and 9 were not residing in the matrimonial home on the daily basis then question arises, as to when they had come and allegedly instigated the husband ? Applicant No.8 is the husband of applicant No.9 sister-in-law. Even allegations have been made against him in respect of alleged incident dated 17.11.2023, but still the question remains, as to when the alleged instigation was made. If we consider the statement of Smt. Vijaya Yeole and Gopal Yeole, that is, mother and brother of respondent No.2, they have not stated that in the talks of settlement of marriage they had promised to give amount of Rs.10,00,000/-. Now, if that was not promised at all, where was the question of making demand of same by making that statement. The informant then states that whenever applicant Nos.6 and 7 i.e. brother-in-law and his wife used to come in holidays to village, they used to instigate the husband. This is also a vague statement. In which holiday they had come has not been stated and then it is stated that without any reason they had picked up quarrel with her. The words of instigation, the words of dispute or reason for dispute has not been stated. If there was any altercation on trifle matter, which can be said to be a regular feature in any house, as there might be disputes between co-sisters, but that cannot be taken as cruelty within the meaning of Section 498-A of the Indian Penal Code. The informant further

states that her brother had come to fetch her for Diwali festival (precisely for 'Bhaubeej') on 14.11.2023. Even at that time the husband and parents-in-law had given inferior treatment to her brother and she was asked to keep quiet, otherwise she would be driven out of the house. The details about inferior treatment have not been given in First Information Report as well as in the statement of Gopal Yeole, the brother. It is then stated that she was sent to her parental home along with brother and since then she is residing with brother at Pimprala, Jalgaon.

6 The informant and witnesses have stated about the incident around 3.30 p.m. on 17.11.2023 at Pimprala. It is stated that all the applicants had gone to parental home of respondent No.2. When they were offered water and tea, they refused and they started quarrel in loud voice. When mother tried to stop them, then mother as well as informant were abused and husband had assaulted respondent No.2. By giving abuses all of them went. The First Information Report has no details on what point the dispute in loud voice was raised, but the mother and brother state that accused persons started saying that they were not properly honoured at the time of marriage and Rs.10,00,000/- for purchase of house was not given. When mother and their relative Pandurang tried to convince that they do not have money, at that time applicant No.1 got annoyed and assaulted

respondent No.2 in front of all of them. Here, it is to be noted that immediate action appears to have not been taken. That incident had taken place on 17.11.2023 and First Information Report has been lodged on 18.04.2024. In spite of such incident if informant had kept quiet, then it raises doubt. Now, except the statement of relatives there is nothing. Statements of neighbours of parental home of respondent No.2 specifically in respect of incident dated 17.11.2023 have not been recorded.

7 Thus, it can be seen that First Information Report and statements of witnesses do not specifically attribute a role to each and every applicant. It is hard to believe that applicant Nos.4, 5, 8 and 10 to whom no role was ever attributed would suddenly appear on 17.11.2023, that too, in the parental house of respondent No.2 and then their alleged act would amount to cruelty as defined under Section 498-A of the Indian Penal Code. The cohabitation of respondent No.2 in the house of applicant No.1 is of hardly one year and three months, out of which according to her, she was treated properly for about two months. The cruelty as explained in Section 498-A of the Indian Penal Code requires more severe acts and not the usual wear and tear in the marital relationships. Hence, it would be an abuse of process of law if applicants are asked to face the trial. Case is made out to exercise powers of this Court under Section 482 of the Code of Criminal Procedure.

Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) The proceedings in Regular Criminal Case No.900/2024 pending before learned Judicial Magistrate First Class, Jalgaon, arising out of First Information Report vide Crime No.122/2024 dated 18.04.2024 registered with Ramanand Nagar Police Station, Jalgaon, Tq. & Dist. Jalgaon, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Manoj Ramesh Chinchole**, 2) **Ramesh Damodar Chinchole**, 3) **Pushpa Ramesh Chinchole**, 4) **Vilas Damodar Chinchole**, 5) **Digambar Damodar Chinchole**, 6) **Pankaj Ramesh Chinchole**, 7) **Rohini Pankaj Chinchole**, 8) **Khemraj Bhatu Dashpute**, 9) **Dipali Khemraj Dashpute**, 10) **Janardhan Kashinath Zodge**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)