

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.717 OF 2021

Vikram Sanjay Mohite And Anr. .. Petitioners
v/s.
The State of Maharashtra & Anr. .. Respondents

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Mr. Umesh H. Pawar, for the Petitioners.

Mrs. M.H. Mhatre, APP, for State.

Mr. Mahindra B. Deshmukh, for Respondent No.2.

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CORAM: NITIN JAMDAR &
N.R. BORKAR, JJ.

DATE : 27 JULY 2022.

P.C:-

By this petition, the Petitioners have sought quashing of FIR No.492 of 2019 lodged by Respondent No.2 under Section 304B, 306, 498A, 504 and 506 read with Section 34 of IPC.

2. In the FIR it was stated that the complainant's daughter Vidya, aged 25, got married to Petitioner No.1 on 20 April 2018. Thereafter, dispute arose between deceased Vidya and her in-laws within a year of marriage. She had narrated to the complainant that, in August 2018, Petitioner No.1 had abused her verbally and physically.

Again in 2019, the deceased was harassed. These facts were told to the wife of the complainant. When the complainant asked her, she started crying stating that she is being harassed for dowry. On 20 April 2019, when the complainant met his daughter, she was looking depressed. Thereafter, the complainant has narrated several other incidents where the deceased had complained about harassment. He stated that, on 9 July 2019, he received a phone call from Petitioner No.1 that Vidya has fallen from a car and she is admitted in the hospital. Thereafter, in the hospital, the complainant came to know that Vidya has committed suicide by hanging.

3. The FIR is sought to be quashed on two counts. First that Respondent No.2 has given no objection for quashing of the FIR. Secondly, on merits of the case.

4. As far as quashing of the FIR by consent is concerned, our attention is drawn to the statement given to the Police Inspector on 31 July 2019 by the complainant that because of the death of his daughter, he was depressed and he had given a complaint. There was no such harassment and prayed for withdrawal of the FIR.

5. The statement given by the complainant is 15 days after lodging of the FIR. In his statement of withdrawal, he now states that nothing has happened and there was no such harassment. Charge-

sheet is filed. The medical papers show ligature marks on the neck and the medical opinion is of death by hanging due to asphyxia. Even assuming the Respondent-Complainant is giving consent, the complainant is not able to give reasons for the suicide. We have grave doubt about the change of statement of the Respondent-Complainant.

6. Considering the medical evidence, which is on record, it cannot be said that the FIR discloses no offence whatsoever so that it can be quashed. Suicide has taken place within seven years of marriage. No case is made out for quashing the FIR either on the ground of consent or merits.

7. The writ petition is, accordingly, rejected.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)