



Diksha Rane

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.26/2024

1. JAYESH VASANT GORE

2. SUVARNA VASANT GORE ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

WITH

CRIMINAL REVISION APPLICATION NO.361/2023

1. DHANSHREE ASHISH KADAM

2. ASHISH ANIRUDDHA KADAM ..APPLICANTS

VS.

THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Madhusudan Pareek for the applicants.

Mr. B. B. Kulkarni, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : MARCH 21, 2024.

JUDGMENT :

1. Heard learned counsel for the applicants and learned APP for the State. By consent, the revision applications are heard and disposed by a common judgment.

2. These criminal revision applications under Section 482 of the Code of Criminal Procedure (hereafter 'Cr.P.C.' for short) for quashing and setting aside the order dated 21/8/2023 passed by the Additional Sessions Judge, District

- Raigad in Exhibit 25 and Exhibit 30 rejecting the applications made by the applicants for discharge under Section 227 of the Cr.P.C.

3. The criminal revision application No.26/2024 is filed by the husband and mother-in-law of the deceased Suvidha seeking discharge. Criminal revision application No.361/2023 is filed by the sister-in-law and husband of the sister-in-law. The complaint was lodged on 25/3/2018 by the brother of the deceased Suvidha. The marriage of the applicant Jayesh and Suvidha was solemnized on 9/11/2017. Suvidha committed suicide on 23/3/2018 within six months of the marriage. The statement of Suvidha's brother demonstrates that after marriage, she was being ill-treated by her husband Jayesh. It is alleged that Jayesh was suffering from a complex as Suvidha was more educated than him. Suvidha's entire salary had to be handed over to the applicant Jayesh. Suvidha was being ill-treated. Pursuant to the intervention by Suvidha's parents, she was treated well for some time. It is then alleged that on 1/3/2018, Suvidha was not keeping well. The applicant Jayesh reprimanded Suvidha as he thought that she is feigning the

illness. It is alleged that even though Suvidha was ill, she was mercilessly beaten by Jayesh and forced to leave the matrimonial home. On 21/3/2018, Suvidha's parents telephonically called up the applicants and requested for reconciliation. The applicants visited Suvidha's parental home on 22/3/2018. The applicant Jayesh insisted that he wants a divorce and he was firm on his demand.

4. Learned APP for the State opposed the applications. It is submitted that the accusations are serious and the materials on record justify invocation of the aforesaid provisions against all the applicants.

5. The only allegation against the applicants in criminal revision application No.361/2023 is that on 22/3/2018 when they had all gone for reconciliation at Suvidha's parental home, the applicant Ashish Kadam said that he would not have tolerated such behavior had Suvidha been his wife. The applicant Dhanshree is said to have maligned her character and tried to assault her.

6. Learned counsel for the applicants, on instructions, submitted that he is withdrawing the application on behalf of Jayesh. Except for these stray allegations against the

applicants – Suvarna Vasant Gore, Dhanshree Ashish Kadam and Ashish Aniruddha Kadam, there is no other material against them on record to indicate that they abetted the commission of suicide. The applicants Dhanshree and Ashish were not even residing along with Suvidha at her matrimonial home. These materials even if taken at the face value, are in my opinion, not at all sufficient to attract the ingredients of the offence punishable under Sections 304(b), 306, 498-A read with 34 of the Indian Penal Code. If any authority is necessary to support the view that I take, a profitable reference can be made to the decisions of the Supreme Court in Prabhu vs. The State rep. by the Inspector of Police & anr.¹ and Kumar @ Shiva Kumar vs. State of Karnataka².

7. The Criminal Revision Application No.361/2023 is allowed. The impugned order dated 21/8/2023 is quashed and set aside. The applicants - Dhanshree Ashish Kadam and Ashish Aniruddha Kadam stand discharged.

8. The Criminal Revision Application No.26/2024 is partly

1 SLP (Crl. Diary No.39981/2022)

2 2024 SCC OnLine SC 216

allowed qua the applicant - Suvarna Vasant Gore. The applicant - Suvarna Vasant Gore stands discharged.

9. So far as the applicant/husband - Jayesh Vasant Gore is concerned, on instructions, learned counsel for the applicant has sought leave to withdraw the Criminal Revision Application No.26/2024.

10. The Criminal Revision Application No.26/2024 is allowed to be withdrawn so far as the applicant/husband - Jayesh Vasant Gore is concerned.

11. The applications are disposed of.

(M. S. KARNIK, J.)