



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.725 OF 2024

1. Piyush s/o Deepak Narlawar
Age: 34 years, Occu.: Service,
At Present R/o Unit 514-1761,
Sheppart avenue E, North York-
M2J0A5, Buzz 5541, Canada,
Permanent R/o.Asara Niwas,
Achaleshwar Ward, Chandrapur.
2. Deepak s/o Rambhau Narlawar,
Age: 67 years, Occu.: Nil,
Permanent R/o. Asara Niwas,
Achaleshwar Ward No.1, Chandrapur
3. Jyoti s/o Deepak Narlawar
Age: 56 years, Occu.: HH,
Permanent R/o. Asara Niwas,
Achaleshwar Ward, Chandrapur.
4. Pooja w/o Kiran Gadagi
Age: 30 years, Occu.: Service,
R/o.3800 Juniper Dr,
Aurora Ohio 44202.

.. Applicants

Versus

1. The State of Maharashtra
(Through Police Inspector,
Satara Police Station,
Chhatrapati Sambhajinagar)

2. Pramod s/o Vilasrao Sriniwar,
Age: 57 years, Occu.: Petty Work,
R/o. House No.10, Sainath Enelave,
Itkheda, Paithan Road, Chhatrapati
Sambhajanagar.

.. Respondents

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Mr. M. Shah, Advocate holding for Mr. A. D. Kulkarni, Advocate for Applicants.

Mrs. P. R. Bharaswadkar, APP for Respondent No.1/State.

Mr. R. S. Deshmukh, Senior Counsel i/b Mr. S. J. Salunke, Advocate for Respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.**

**RESERVED ON : 03 JANUARY 2025
PRONOUNCED ON : 08 JANUARY 2025**

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

. Present application has been filed by invoking the inherent powers under Section 482 of the Code of Criminal Procedure for quashment of the FIR bearing Crime No.212 of 2023 registered with Satara Police Station, District Chhatrapati Sambhajanagar, which came to be registered on 30.06.2023 for the offences punishable under Sections 304-B, 498-A, 323, 504 read with Section 34 of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961. Before we proceed, the fact which

is not in dispute is that respondent No.2's daughter Richa got married to applicant No.1 on 03.01.2021. Richa was Advocate by profession. After the marriage, she went to reside at her matrimonial home in Chandrapur. Applicant No.1 and deceased Richa resided there till 28.02.2022. Applicant No.1 is employed in Tata Consultancy Services. The company had sent him to Toronto, Canada for company's work. Unfortunately, Richa expired on 11.06.2023.

2. Respondent No.2/informant lodged report on 30.06.2023 contending that after the marriage was fixed between applicant No.1 and Richa, as insisted by applicant No.1 for pre-wedding shoot, the shooting was done a month prior to the date of marriage and then applicant No.1 had demanded 15 Tolas of Gold. Due to fear of calling off the marriage, the said demand was fulfilled. When Richa was residing at Chandrapur, she came to her parental home at Chhatrapati Sambhajinagar thrice and had not made any complaint during first 5-6 months. Thereafter, she disclosed that applicant No.1 is a short tempered person and scolds her on trifle grounds. After applicant No.1 and Richa went to Toronto, she informed that as applicant No.1 is doing work from home, he was taking time to pick up faults with Richa and

used to scold her. Richa was not doing any job and, therefore, he used to call her as 'stupid and useless'. Applicant No.1 was insisting that Richa should do job, as it was not possible to live a luxurious life within his income. This fact was told by Richa to her mother. Richa was supposed to come to India for attending marriage ceremony of her cousin brother-in-law on 02.12.2022. When this fact was told to applicant No.1 he responded that amount should be sent for the tickets of himself as well as Richa, then he will sent her for marriage. Even that condition was also fulfilled and they came to India to attend the marriage. At that time, applicant No.1 demanded 3 Tolas of gold which was then provided. Earlier also on the occasion of first Diwali after marriage, upon demand, 2 Tolas of gold bracelet was given to Richa and gold ring to applicant No.1. At the time of marriage of the cousin brother, Richa had come about one and half months prior and applicant No.1 came about eight days prior to the marriage. They rested for about 15 days in Aurangabad. During that stay, applicant No.1 had given taunts to Richa causing mental and physical harassment. He had raised chios when Richa had talked with the friend of her brother. At the time of returning back to Toronto when Richa was packing her

belongings, applicant No.1 could see Mortar and Pestle and thereafter, he abused Richa by saying useless and stupid and then he slapped her. The informant states that many times he has sent amount to applicant No.1 and Richa. A day prior to her death, Richa had made video call to her mother and informed that she would be going to attend a programme with applicant No.1. Richa's mother told her that she should call her maternal uncle, who was operated. Richa told her that she would call after she returns from the programme. However, on the next day, at 6.00 p.m., applicant No.1 gave audio call and disclosed that Richa had committed suicide. Upon inquiry, he had told that he had gone alone to the programme. Informant says that he came to know that the applicant No.1 had affairs prior to the marriage and even after engagement ceremony with another girl, the marriage was called off. As the informant was in grief, he could not approach the police immediately and, therefore, he lodged the FIR on 30.06.2023.

3. After taking us through the FIR, learned Advocate for the applicants submits that the FIR is totally silent about the role of the other applicants. There is no element of act amounting to cruelty that is attributed to them. The death had occurred at

Toronto. The inquiry was made by the local police and the postmortem findings were blunt impact trauma. The Coroner functions under the Coroner's Act and conducts investigation and accordingly, the investigation has been done. Even as per the postmortem report it was a suicide, as the deceased jumped from 22nd story of the building. There were CCTV's installed and they have been checked. Inquiry was made with applicant No.1, who was not in the house at the relevant time and that has also been noted from the video clippings. Suicide note has been left, which was taken note of by the concerned police and the note says that since she was unable to secure job, she was considering herself as stupid. She says that she failed in her life and, therefore, she is quitting. When it is a clear case of suicide and it has not been abetted by anybody, it would be unjust to ask the applicants to face the trial. By way of affidavit, all the documents have been produced even those from the Toronto Police Service and Chief Coroner's office by respondent. By way of rejoinder, applicant No.1 has also produced the account extracts to show that he had also given amount to Richa and thereby the household articles were brought. If she had felt that though she is a law graduate she is unable to secure job for about more than year and in

frustration she has taken the unfortunate step, then applicant No.1 cannot be held responsible for the same criminally.

4. Per contra, learned APP as well as learned Senior Counsel Mr. R. S. Deshmukh instructed by learned Advocate Mr. S. J. Salunke for respondent No.2 raised objection for the application. Learned APP submits that the matter is still under investigation though statements of witnesses have been recorded. Various documents have been collected including the WhatsApp chats, statements of accounts, which show that demands for the amount were made and though the death is occurred at Toronto, the matter is under investigation.

5. Learned Senior Counsel appearing for respondent No.2 has taken us through the affidavit-in-reply on behalf of respondent No.2 as well as the surrejoinder and he points out that respondent No.2 had filed Criminal Writ Petition No.1595 of 2023 for change of investigation agency. On 22.02.2024, the writ petition was disposed of by directing the investigating officer to expedite the investigation and it shall be supervised/monitored by the officer of the rank of Assistant Commissioner of Police of the jurisdiction. The complexity in the matter was addressed by

this Court. Unfortunately, all of a sudden the news regarding death of daughter was received by respondent No.2 and, therefore, he and his family members were in shock. There was constraint for them to approach Toronto police, but after collecting the documents, still there are certain questions in respect of Richa's death. There were no such circumstances for her to commit suicide. There is evidence to support the contention that time and again the amount was demanded and supplied. Section 304-B of Indian Penal Code would certainly get attracted, as the death is within seven years of marriage and it is in suspicious circumstance. Applicant No.1 is not returning to India and is not helping the police authority in the investigation. Discretionary relief therefore cannot be extended in his favour.

6. At the outset, it can be seen that it was an unfortunate incident. Richa was Masters in Law and, therefore, certainly, her parents would be in shock after hearing the news. Delay in lodging the FIR cannot be the sole ground for quashment of the FIR, as the delay can be explained. Now, the question is that marriage between applicant No.1 and Richa was performed in India. They had stayed for about a year after the marriage in India and thereafter, they went to Toronto, Canada. Applicant

No.1 is not coming before this Court that he is no longer an Indian citizen. When he is still an Indian citizen but the alleged part of incident has been committed outside India, we must also consider Section 188 of the Code of Criminal Procedure, which reads thus :-

“188. Offence committed outside India.—When an offence is committed outside India—

(a) by a citizen of India, whether on the high seas or elsewhere; or

(b) by a person, not being such citizen, on any ship or aircraft registered in India,
he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found:

Provided that, notwithstanding anything in any of the preceding sections of this Chapter, no such offence shall be inquired into or tried in India except with the previous sanction of the Central Government.”

As regards the death which has occurred outside India, still the allegations are that an Indian citizen is responsible for the death, then still that offence can be inquired into and tried in India. Even the proviso to Section 188 of the Code of Criminal Procedure will not get attracted here and previous sanction of the

Central Government for making inquiry is not required as the contents of the FIR try to indicate that Section 498-A of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 are stated to have been committed within India. That means part of it is in India. Reliance can be placed on the Three Judge Bench of the Hon'ble Supreme Court in ***Sartaj Khan Vs. State of Uttarakhand, [(2022) 13 SCC 136]***, wherein it has been held that sanction of the Central Government under Section 188 of the Code of Criminal Procedure for prosecuting an offence committed outside in India is necessary, if the entirety of offence is committed outside India.

7. Now, the question is when there is already an inquiry/investigation by Toronto police and Chief Coroner's office, whether it can be said that applicant No.1 is still criminally liable. We are *prima facie* considering those facts in view of the fact that the present application is under Section 482 of the Code of Criminal Procedure. As aforesaid, the postmortem report gives cause of death as blunt impact trauma and the history that is stated is that she jumped from 22nd story. The documents also reveal that there is a video that shows that applicant No.1 was leaving the building earlier and returning to the building after the

police and ambulance had already attended Richa. Even the e-mail communication produced by respondent No.2 given on behalf of Toronto Police Service states that though the investigation by Coroner's office and Toronto Police Service, Richa's death is considered deemed to be not a criminal matter. However, the police papers which have been made available would show that a suicide note has been left, which is now reproduced as under :-

"I failed in my life. It's been more than a year but still struggling to find a 1 job. I feel like I am stupid and useless person. I don't want to live with this feeling, so I quit. I don't want to live so I am leaving.

Just donate my all organs to the needy people and bury me here, its my last wish."

8. The said suicide note then will have to be read with the contents of the FIR and also the statements of witnesses. Though the charge-sheet is not yet filed, the police papers which has been made available to this Court contain those statements. The statements consist that of mother, brother, cousin brother of Richa. The mother, who had talked to Richa on video call, states that Richa was wearing new clothes and, therefore, the mother asked her what is the occasion. Richa told that both of them (she

herself and applicant No.1) were proceeding for a programme. Though the mother told that she should give a call to her maternal uncle as he has been operated, Richa told that she would call her uncle after her return from the programme. But on the next day when applicant No.1 gave the news regarding death of Richa, he disclosed that he went alone to the programme as Richa told him that she wants to work on a project and, therefore, there is suspicion in the mind of the informant and the family. Certainly, there needs to be an investigation in this aspect also.

9. Perusal of the FIR and the statements of witnesses which this Court has perused would show that there are allegations regarding the behaviour of applicant No.1, which according to them amounted to mental cruelty, however, it is certain that about a year prior to death, Richa was not staying with other applicants. Applicant No.4, who is the married sister-in-law resides at Aurora Ohio i.e. in United States of America. Deceased Richa and applicant No.1 were the only persons residing in Toronto, Canada. Though they had come to attend the marriage ceremony of the cousin brother of Richa, it is not stated in the FIR that the said marriage was attended by applicant Nos.2 to 4

also. It appears that applicant Nos.2 and 3 had gone to United States of America to stay with applicant No.4 where even Richa and applicant No.1 had also joined, but that would be for few days and any intermittent behaviour will not amount to cruelty as contemplated under Section 498-A of Indian Penal Code.

10. We do not want to go much deep into who has given how much of amount and whether it amounts to dowry, but certainly when there are documents and it is the say of the informant that the said amount was given to applicant No.1, the act cannot be attributed to applicant Nos.2 to 4.

11. Taking into consideration all these aspects, case is made out to exercise the power under Section 482 of the Code of Criminal Procedure for quashing the FIR as against applicant Nos.2 to 4. The investigation has to be completed as against applicant No.1 and, therefore, it will not be appropriate to exercise the power under Section 482 of the Code of Criminal Procedure in his favour. The application therefore deserves to be partly allowed. Though the amendment has not been carried out, as in the meantime charge-sheet has been filed, we have no hesitation in quashing the FIR as well as the further proceedings.

Hence, the following order :-

ORDER

- I) Criminal Application stands partly allowed.
- II) The FIR bearing Crime No.212 of 2023 registered with Satara Police Station, District Chhatrapati Sambhajnagar dated 30.06.2023 as well as the proceedings in R.C.C. No.01 of 2025 pending before the Judicial Magistrate First Class, Aurangabad for the offences punishable under Sections 304-B, 498-A, 323, 504 read with Section 34 of Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961, stand quashed and set aside, as against applicant No.2 – Deepak s/o Rambhau Narlawar, applicant No.3 – Jyoti s/o Deepak Narlawar and applicant No.4 – Pooja w/o Kiran Gadagi.
- III) Criminal Application stands dismissed as against applicant No.1.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm