



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPEAL NO.863 OF 2023

Dnyadeo Trimbak Jawale,
Age : 48 yeas, Occu.: Driver,
R/o.: MaliChinchora, Tq. Newasa,
District : Ahmednagar

.... APPELLANT
(Original Complainant)

VERSUS

1. Amit Dilip Hazare,
Age : 32 years, Occu.: Agril.,
2. Dilip Eknath Hazare,
Age : 65 years, Occu.: Agril.,
3. Manda Dilip Hazare,
Age : 59 years, Occu.: Agril.,

All are R/o.: Sarla Baddi,
Tq. & Dust.: Ahmednagar

.... (Original Accused)

4. The State of Maharashtra

.... RESPONDENTS

....
Mr. Harshal P. Randhir, Advocate for the Appellant
Mr. N. B. Narwade, Advocate for Respondent Nos.1 to 3
Mr. S. J. Salgare, APP for Respondent No.4-State

....
**CORAM : SANDIPKUMAR C. MORE AND
MEHROZ K. PATHAN, JJ.**

DATED : 23/09/2025.

ORDER :

1. This is an appeal against acquittal preferred by the appellant – informant, who has lodged FIR No. I-1083 of 2020 for the offence punishable under Sections 498-A, 306, 304(B), 323 & 504 read

with Section 34 of the Indian Penal Code with Nagar Taluka Police Station, Ahmednagar on account of accidental death of her daughter, Jyoti.

2. As per the case of the prosecution deceased Jyoti got married with present respondent No.1 on 30/04/2018. However, just after the marriage, respondent No.1 started ill-treating her by abusing and beating her under the influence of alcohol. He also started demanding dowry. Like respondent No.1, respondent Nos.2 & 3, who are in-laws of deceased, also used to harass her for not providing sufficient gift and dowry at the time of the marriage. Deceased Jyoti had also lodged a report against respondent Nos.1 to 3 with Nagar Taluka Police Station. Then she visited Dilasa Cell, Ahmednagar and made a complaint against respondent No.1. However, the matter was settled between the deceased and respondent No.1 and they again started cohabiting with each other. Despite the settlement, the harassment continued as before and on 27/10/2020 at around 10:00 a.m., the informant received a phone call from Respondent No.2, informing that Jyoti had jumped into a well. As such, the informant was constrained to lodge the report and the aforesaid FIR was registered. The learned trial judge i.e. Additional Sessions Judge, Ahmednagar after conducting the trial, acquitted respondent Nos.1 to 3 and hence this appeal.

3. The learned counsel for the appellant – informant vehemently argued that the death of deceased Jyoti was unnatural and there were instances of her harassment at the hands of respondent Nos.1 to 3 prior to committing suicide by her. He pointed out that the marriage between the deceased and respondent had taken place on 30/04/2018 and within a period around two years, she committed suicide and therefore, the learned trial judge should have considered the same and convicted respondent Nos.1 to 3 under the charges levelled against them.

4. On the contrary, the learned counsel for respondent Nos.1 to 3 strongly opposed the submissions made on behalf of the appellant–informant. According to him, the learned trial Judge has properly appreciated the evidence on record and in the absence of cogent evidence, has rightly acquitted the respondent–accused. He pointed out that DW-1 Dr. Pathak had also stated that deceased was suffering from Rheumatic Heart Disease and she was advised for surgery of replacement of wall. Further, she was given Happy-20 tablets, which are known to cause drowsiness in certain cases. Thus, the learned counsel for Respondent Nos.1 to 3–accused submitted that the deceased, due to drowsiness caused by those tablets, might have accidentally fallen into the well. He pointed out that except for a dispute over some trivial reasons, there was no

dispute between the parties regarding the demand for dowry. Therefore, in the absence of any cruelty as contemplated under Section 498-A of the IPC and any abetment to commit suicide, respondent Nos.1 to 3 are rightly acquitted. Accordingly, he prayed for the dismissal of the appeal. Learned APP also supports the argument advanced by the learned counsel for the appellant-informant.

5. Heard rival submissions. Also perused the entire material on record alongwith depositions of material witnesses.

6. The informant and his family members have stated that respondent Nos.1 to 3—accused harassed the deceased to such an extent that she was left with no option but to commit suicide. The evidence on record reveals that the prosecution mainly relied upon copies of non-cognizable (NC) complaints filed by the deceased against the accused persons. The first NC, dated 12/02/2019, appears to have lodged as a result of the deceased intervening in a quarrel between her father-in-law and mother-in-law. The second NC, dated 30/09/2019, indicates that the deceased had a grievance regarding the abusive language used by her husband, i.e. respondent No.1 and an incident of physical assault involving beating, including fists and kicks, which allegedly took place on

29/08/2019. However, these incidents appear to have occurred in the ordinary course of marital life and were related to trivial issues. Even in the documents recorded before Dilasa Cell, Ahmednagar dated 17/10/2019, the dispute between the parties was on flimsy reasons. Moreover, there was a settlement between respondent No.1 and the deceased, wherein respondent No.1 assured that he would treat her properly and the deceased also undertook not to threaten her husband of committing suicide.

7. Further, it is extremely important to note that DW-1, Dr. Pathak, clearly stated that the deceased was suffering from Rheumatic Heart Disease and was advised to undergo Mitral Valve Replacement (MVR) surgery. According to him, MVR required surgical intervention. He also stated that he had prescribed the tablet 'Happy-20' to her, which may occasionally cause drowsiness as a side effect. It is also significant to note that there is no evidence on record except the oral version that respondent Nos.1 to 3 had at any point of time demanded any amount from the deceased and the informant. All the documents in respect of their earlier dispute do not show anything about such demand. Further, there is no evidence of abetment of suicide by the deceased at the hands of Respondent Nos.1 to 3—accused. The learned trial judge appears to have relied on various judgments of this court as to what

should be the nature of cruelty to attract the provision of Section 498-A of IPC. After discussing the aforesaid judgments, the learned Trial Judge concluded that the acts alleged did not amount to cruelty as contemplated under the said provision. Consequently, there was no sufficient evidence to attract any of the penal provisions under which respondent Nos.1 to 3—accused were charged. Thus, on going through the entire material on record, we do not find any substance in the instant appeal and accordingly it stands dismissed.

(MEHROZ K. PATHAN, J.)

(SANDIPKUMAR C. MORE , J.)