

**Order on Exh.54**

The accused No.8 prays for discharge vide Section 227 of the Cr.P.C.

**Facts in brief of the matter are as below.**

2. The informant registered report in the Police Station Shivaji Nagar, Latur on 23-12-2017 alleging that the accused with common intention continuously ill-treated his daughter for fulfillment of demand of Rs.2,50,000/- resultantly she committed suicide by consuming poison. The informant alleged that the accused continuously assaulted, abused and insulted her. At that time accused No.8 also insistently taunted her alleging that she is barren and unable to deliver a child. She also threatened to facilitate second marriage of her husband if she failed to fulfill demand of money. The deceased on time to time informed her parents about ill-treatment and resultantly her father i.e. informant paid Rs.50,000/- to the accused informing that he is unable to fulfill their entire demand at that time.

3. The accused submits that the allegations levelled by the informant are prima facie unbelievable due to the delay in registration of the report or getting recourse from the public after alleged first demand by the accused in year 2012. Further, she disputes and refutes any connect with incident and submits that she is falsely implicated by the informant and police. Further, she submits that the offence under Section 498A of the I.P.C. is not attracted against her and being a neighbour she cannot be held responsible for the alleged abetment. In addition, she submits that at the time of incident the deceased was living at a distant place therefore she is not responsible for any act of the deceased.

4. The prosecution has opposed the application contending that there is sufficient evidence to frame charge against accused No.8. Therefore, the application needs to be rejected.

5. The Ld.Advocate for accused submits that the allegations levelled by prosecution are baseless and devoid of any evidence therefore the accused No.8 should be discharged. Ld.Advocate further submits that the offences under Section 498A and 107 of the I.P.C. are not attracted against the present accused because neither she is relative of the deceased nor was neighbour at the time of incident. Further, highlighting the delay in registration of report she submits that entire facts put forth by the prosecution are concocted therefore the application needs to be rejected.

6. Ld.A.P.P. has opposed the application emphasising upon the report and statements of witnesses. He submits that the informant has levelled direct allegations of abetment to commit suicide against accused No.8. He further submits that the deceased herself had communicated about her ill-treatment and roles of accused to the informant and thus there is prima facie material available to frame charge against accused No.8.

7. The Investigation Officer has filed charge sheet against accused for the offences punishable under Sections 306 and 498A of the I.P.C. It is clear from the report registered by the informant that the accused No.8 is not the relative of husband or in-laws of the deceased but is the neighbour. Therefore, the offence punishable under Section 498A of the I.P.C. contemplating commission of offence by the husband or the relative of husband of a woman is not attracted against her.

8. The prosecution has further alleged that the accused abetted suicide of the deceased by harassment, ill-treatment and continuous verbal ill-treatment. The informant in the report has specifically alleged that the present accused No.8 along with other accused taunted the deceased in vulgar language alleging her to be barren unable to give birth to a child. The

witnesses Sanjay, Jaywant, Uttam and Shivajirao have apparently stated that the present accused along with other accused harassed and verbally insulted the deceased in vulgar language. The informant has further stated in the report that the deceased herself provided information about the harassment at the hands of accused and later she consumed poison and committed suicide due to un-bearable torture at the hands of accused. The report of autopsy do mention that the deceased succumbed to poisoning.

9. Thus, the record present at this point in time is sufficient for framing of charge against accused No.8 for the offences punishable under Sections 306 read with 34 of the I.P.C. So far the offence under Section 498A is concerned the material produced by the prosecution more particularly the report shows that the accused No.1 is not relative of the husband of the deceased but is the neighbour therefore sufficient grounds are absent to frame charge against her to the extent of this section. Hence, the order.

**Order.**

1. The application is partly allowed.
2. The accused No.8 is discharged vide Section 227 of the Cr.P.C. for the offence punishable under Section 498A of the I.P.C.

Date:05-12-2022.

Jagdish M. Dalvi,  
Additional Sessions Judge,  
Latur.