



MOOT PROPOSITION



1. Aarav Oberoi, aged 34 years, was born into a well-established business family in Vanglore, but tragedy struck early in his life when both of his parents died in a car accident. Overcome with grief, Aarav was adopted by his compassionate aunt, who took the responsibility of raising him. Despite her efforts, the loss of his parents led Aarav into a deep depression, and during his college years, he was addicted to drugs. His emotional turmoil also gave rise to suicidal tendencies, leaving him in a constant battle with his internal sufferings. Concerned for his well-being, his aunt (Siddhi Malhotra) intervened and arranged treatment at various rehabilitation centers, where he began to recover. Determined to rebuild his life, Aarav eventually overcame his addiction and earned a degree in engineering. With newfound strength, he secured a job at TechFusion Innovations at Vanglore, a cutting-edge technology company known for its groundbreaking work in AI and robotics, where he could finally channelised his talent and passion into a promising career.

2. On the other hand, Selena Luthra, aged 30, was born into a wealthy and influential family in the city of Vanglore. Being highly educated, holding a BTech in finance, an MBA, and a degree in AI Engineering, she was working under the company Tecfushion Innovations which is owned by her father (Mr. Albert Luthra). She was known for her lavish lifestyle and a penchant for spending money without hesitation. Raised as the "pampered child" of her affluent parents, she became accustomed to the luxurious life and often sought relationships that catered her desire for wealth and comfort. Her past relationships often drew her into the world with the promise of indulgence, for Selena's underlying intent was to enjoy the financial benefits and luxuries she could extract from the relationship. Both, Aarav & Selena first met each other at a high-profile conference. Their interaction initially focused on mutual commercial interests, as Aarav's career began to flourish. What began as casual talks and professional exchanges soon evolved into a more personal connection, though both were motivated by the potential advantages that the relationship could offer rather than love or emotional attachment. As they spent more time together, they began dating, each of them was aware that the relationship was more about mutual benefit than anything else.

3. Aarav and Selena eventually got married on 25.02.2019 in the city of Vanglore, but soon after, the dynamics of their relationship began to change. Aarav, deeply engrossed in his career was often too preoccupied with work to

give Selena the attention she deserved. This led to growing discontent on Selena's part, as she felt neglected and increasingly frustrated. It wasn't long before Selena heard rumours from one of her colleague, who claimed to have seen Aarav with another woman while she was abroad on a work trip. Although this was based on mere suspicion with no concrete evidence, which deeply troubled her.

4. The tension between them escalated into daily, heated arguments, often laced with anger and resentment. In the course of their confrontations, both resorted to physical altercations, with objects being thrown and harsh words exchanged. Selena, who was more financially powerful and accustomed to a life of privilege, frequently used her wealth to belittle Aarav, constantly taunting him with cruel remarks. "You were so poor, you couldn't even save your parents from death," she would say, aiming to wound him with her sharp words.

5. Constant quarrels took a heavy toll on Aarav affecting his professional capabilities pushing him into a downward spiral of depression. Being unable to achieve the desired targets expected by his company, he began turning to alcohol as a means to cope, often returning home in a drunken state. The never-ending cycle of quarrels, combined with his growing alcohol dependency, made the atmosphere at home unbearable. Eventually on 04.10.2022, unable to tolerate the toxic environment any longer, Selena decided to leave her matrimonial home, walking away from the marriage that had once seemed promising.

6. After Selena left her matrimonial home and started residing in Bambai at her flat (as she did not want to put any burden on her parents), Aarav was going through the process of cleaning his wardrobe when he stumbled upon some medical reports that she had apparently left behind by mistake. Among the documents, Aarav found abortion reports dated 03.03.2018 i.e., before their marriage, which revealed that Selena had been pregnant with her ex-boyfriend's child. The reports, marked as "Early Pregnancy Termination" from a hospital called "Carewell Medical Centre," were a revelation that took Aarav by surprise. Along with these, there were also recent medical reports dated 23.08.2022 showing that Selena was pregnant again (6 weeks), though she had never mentioned this to Aarav. Aarav, feeling a mix of emotions, realized that he no longer cared about what had transpired—he had already distanced himself emotionally from the relationship. Meanwhile, Selena's father, Albert Luthra, upon learning that his daughter was expecting again, attempted to intervene, seeking to reconcile the couple. However, his motives were not driven by

concern for his daughter's well-being, but rather by a desire to protect his own reputation in the business world, which was at risk due to the unfolding of personal matters.

7. However, despite the tumultuous past and the emotional scar they both carried, Aarav made the conscious decision to accept both Selena and their child. He believed that the child should not suffer for the mistake of his parents, and he wanted to be a responsible father. Slowly but surely, a semblance of reconciliation began to take place between Aarav and Selena. They started to understand each other better, and over the period of time, their relationship improved. On one occasion, Aarav also had transferred a sum of Rs. 13 lakhs to his mother-in-law (Mary Luthra) and brother-in-law (Pranshu Luthra), as evidenced by transaction statements showing transfers from Aarav's account to that of his brother-in-law. These transactions occurred through two banks—IDBI and Bandhan Bank dated 10.01.2023 and 15.01.2023 respectively, with the latter involving Pranshu's trading company account. Selena gave birth to a baby girl on 20.03.2023, and Aarav, despite all the challenges, did his best to be an involved father.

8. However, the peace was short-lived. Several months after the baby's birth, Selena became increasingly distant. Without informing Aarav, Selena would leave her home for extended periods, staying at her flat in Bambai sometimes for months, thereby disregarding his repeated requests to stay connected as a family. Aarav, who was already struggling with the weight of financial pressure, felt helpless. Selena seemed to view him nothing more than a provider, expecting him to fulfill her luxurious demands, but the reality was that Aarav did not have the financial resources to meet her ever-growing expectations. He was working hard but could not match the extravagant lifestyle she desired.

9. Selena filed F.I.R in the police station of Mandra dated 06.01.2024 against her husband, Aarav Oberoi, accusing him of committing domestic violence and several other serious offenses, including unnatural sex (Section 377 IPC), cruelty for dowry harassment (Section 498A IPC), grievous hurt (Section 320 & 325 IPC), and criminal intimidation (Section 506 IPC). The cruelty accusation for dowry harassment stems from a demand made by Aarav in 2019 for Rs. 10 crores at the time of their marriage. Aarav denied this. Furthermore, he also contended that the claim of unnatural sex and grievous hurt is baseless, as there is no medical proof to support this accusation. Given the absence of solid evidence for these claims, the case lacks substantial legal ground.

10. Additionally, Selena filed a petition dated 11.01.2024 under Section 13 (1) (ia) of the Hindu Marriage Act, 1955, seeking divorce, but four months later, she withdrew the case, claiming that her advocate had misled her, leading her to file the petition in error. She stated that she had been misinformed, which caused her to take this action. However, it is important to note that Selena is highly educated and therefore capable of understanding legal proceedings and the implications of her actions.

11. Selena filed a case before JMIC, District & Sessions Court, Bumbai dated 10.06.2024 under Section 125 of the Code of Criminal Procedure, 1973, seeking maintenance of Rs. 2,00,000 per month, with a request for Rs. 1,00,000 each for herself and her child. This provision allows for the granting of maintenance to a wife and child who are unable to maintain themselves.

12. The Court issued an order to expedite the resolution of the multiple ongoing cases, directing that the maintenance proceedings shall be concluded within six months and relating to cruelty case proceedings shall be subsumed within one year. The Court also passed an order dated 18.08.2024 granting Rs. 80,000 as monthly maintenance to Selena. However, Aarav Oberoi contended that he did not have the financial capacity to pay Rs. 80,000 per month. In support of his claim, he provided statements showing his assets and income. On the other hand, Selena raises significant legal and ethical concerns that if Aarav has the financial means to spend lavishly on his female colleagues, it would be considered unjust for him to deny similar support to his wife'.

13. Aarav, in response, filed an application dated 17.07.2024 citing lack of jurisdiction under Section 145 of the Bhartiya Nagarik Suraksha Sanhita 2023, arguing that the court did not have the authority to hear the case. The judge, in a somewhat informal manner, offered to resolve the case if Aarav could pay Rs.5,00,000, but Aarav expressed his frustration, stating that such pressures often led individuals to suicide. In a surprising twist, Selena retorted, "Then why don't you do it?" while the judge, seemingly amused, laughed. This exchange highlighted the tense dynamics in the case, with both parties appearing to engage in a mix of legal argumentation and personal frustration. The judge's response, though light-hearted, underlined the complexities and emotional intensity of the situation.

14. The Court recommended mediation multiple times, around three to four occasions, in an attempt to resolve the ongoing disputes between the parties.

Owing to his frequent travels and leaves from his work, this led to an added financial burden on Aarav along with his physical exertion and mental discomfort. Aarav perceived that these repeated mediation attempts and financial orders directed at him were more of a strategic step to maintain an advantage in the case, potentially undermining Aarav's financial stability and increasing emotional distress, thereby shaking his faith in the legal system.

15. Amidst the overwhelming pressure and continuous harassment, Aarav reached a breaking point where he felt that taking his own life was the only escape from the relentless turmoil. Before attempting suicide, Aarav recorded a video of 1.5 hours (approx.) in which he detailed all the allegations made against him and outlined the various ways in which Selena and her family had subjected him to harassment. In the video, he described how he was financially drained, emotionally manipulated, and constantly threatened by Selena's family, especially by the demands for money. Aarav's decision to record and post the video on 20.11.2024 at SnapGram was a desperate attempt to bring attention to his suffering and make a public record of his experiences. His body was found in his flat at Vanglore dated 21.11.2024. (Forensic report and suicide note are attached herewith.)

16. Based on the video, suicide note, and body found, Police arrested Selena and her family, and their photographs were leaked in the Media, portraying them as murderers in the eyes of public before the commencement of proceedings which is violative of Article 21 of the Constitution of India, accusing them of the offence under section 108 read with 3(5) of Bhartiya Nyaya Sanhita, 2023, due to which the wife of Pranshu Luthra (brother-in-law of Aarav Oberoi) left him and filed a divorce petition in the Court of Law. The Session Court of Vanglore acquitted them on the basis of lack of evidence. State filed an appeal in the High Court of Vanglore, which reversed the decision of Session court and passed a judgment of imprisonment for a term of 10 years and a fine of Rs. 10 lakhs against Selena and her family members. Aggrieved from the decision, Selena filed SLP in the Hon'ble Supreme Court of India.

FORENSIC REPORT

S.No.	Particulars	Description
1.	Name, and residence of the complainant	Siddhi Malhotra, H.no. 72 Shivagan Niwas, Vanglore
2.	Name of deceased, sex, age, and residence	Aarav Oberoi, Male, 34 years, H.no. 72, Shivagan Niwas, Vanglore
3.	By whom was first found dead, when, where	Siddhi Malhotra, at around 10 a.m. on 21.11.2024 inside the house of the victim
4.	Height, color, and descriptive marks	173 cm, fair complexion, a tattoo mark on his left forearm
5.	Married, if yes, spouse name or Single	Married to Selena Luthra
6.	State of corpse, posture, the exact state of, eyes, mouth, etc.	Hanging, atypical posture, eyes opened, mouth partially open.
7.	Any wound	Marks from rope on the neck
8.	List of property found on the corpse	A blue night suit, a watch on the right-hand wrist, and a chain around the neck
9.	Where the corpse was found	On the first floor, in his bedroom
10.	By whom the body is recognized and relation with the victim	By Siddhi Malhotra, Aunt of Aarav Oberoi
11.	Apparent cause of death	Asphyxia by Hanging
12.	If the corpse is not sent for medical examination, why	Will be sent for postmortem examination after inquest
13.	Sketch, plan of the place body is found, photographs	enclosed

SUICIDE NOTE

My marital life with Selena Luthra has been a journey marked by immense challenges and emotional distress. When we married on February 25, 2019, I hoped for a partnership built on mutual respect and understanding. Unfortunately, it soon became evident that our relationship was strained by differences in expectations and priorities. Selena, accustomed to a life of luxury, often belittled me for my modest background and financial limitations. Her taunts about my inability to save my parents during their tragic accident cut deeply. The emotional strain from her remarks, coupled with the constant conflicts, became unbearable. Our disagreements escalated to physical altercations, leaving me emotionally drained and seeking refuge in alcohol to cope with the toxic environment.

Despite these struggles, I made significant financial sacrifices to support Selena and her family, including transferring ₹13 lakhs to her mother and brother. However, these efforts were not enough to satisfy her lavish expectations. She filed for maintenance under Section 125 of the Code of Criminal Procedure, demanding ₹2,00,000 per month despite knowing my financial constraints. The court eventually ordered me to pay ₹80,000 per month—a sum that far exceeded my earnings and plunged me into financial distress. Selena's claims of my extramarital affairs and financial mismanagement were baseless and deeply hurtful. Despite my best efforts to provide for my family and reconcile for the sake of our child, the relentless accusations and legal battles left me feeling helpless and despondent. Selena underreported her own income to strengthen her case added to my frustration, as did the repeated mediation attempts, which seemed designed to exhaust me financially and emotionally.

Now I am gone, there will not be any money to loot. I am tired of this harassment. All my case hearings should happen live and the people of this country should know about my case and learn the terrible state of the legal system and misuse of law these women are doing. Give the custody of my child to my aunt who can raise her with better values. Give maximum punishment to my harassers though I don't trust the legal system now. If people like my wife are not put behind Jail, they will be more emboldened and will put more false cases on other sons of the society in the future. As suggested by my wife Selena Luthra and the laughing of the Judge on instigation that I should commit suicide. This suicide is going to stop the supply of money to my enemies and corrupt the legal system. I choose to commit suicide today which seems to be the best option.

ISSUES

Issue no. 1. Whether the present SLP is maintainable or not?

Issue no. 2. Whether Selena and her family can be held liable for the offence of ‘abetment of suicide’?

Issue no. 3. Whether the dying declaration of the deceased is sufficient to form the sole basis for conviction?

Note:

- **Proposition consist of three legal issues for adjudication before the Hon’ble Supreme Court. Additionally, the participants are free to frame other issues of their choice.**
- **This moot problem is solely drafted for the moot competition and any resemblance to the real life incidents is merely coincidental and nothing more than that.**

