



Amity Law School, Noida



# 1<sup>ST</sup> AMITY NATIONAL TRAIL ADVOCACY TOURNAMENT



***Moot Proposition***

**OCTOBER 22<sup>nd</sup> - 24<sup>th</sup>**

## MOOT PROBLEM

I. Ishika Behl (35) was a resident of a posh society 'The Palms Residency' of Vaishali Hills. She was a bright student and an even better professional as a software engineer, at Infosys Ltd. In 2011 she got promoted to the post of Senior Managing Director at her workspace which called for her joining at the Bengaluru branch. A week later to her joining, her parents Ms. Kaamini Behl (66) and Vineet Behl (69) found a well suitable boy, Ishaan Ahluwalia (37), who was running a self-sustained business in exports and was based in the same city as that of Ishika.

II. On February 08th, 2012 Ishika and Ishaan formed a matrimonial alliance under the Hindu Marriage Act of 1955. The marriage was an elephant act of pomp and show and Ishaan was gifted with BMW X Series on the demands of Ahluwalia's. Ishika completely shifted to her In-law's house in Bengaluru. A year later, the couple was blessed with a daughter named Ahaana. The family celebrated their joy by throwing a gathering in a lavish yet sophisticated manner at the Grand Solitaire Hotel, Bengaluru. Ishika was asked by her In-laws and husband to quit her job and start looking after child nurturing.

III. Ishika's mother-in-law, Dr. Ritu Ahluwalia, was a medical practitioner in the field of Psychology at the very esteemed Chanakya Hospital. A night before the child's birth celebration, she suggested Ishika inviting her family to the occasion of her child's birth and made her fully aware of the prestige and name of her present family, i.e., the Ahluwalia's. Dr. Ritu even called her out for the substandard and mediocre presents that were given during Ishika's wedding and brainwashed her into demanding hefty presents from her family. Soon the taunting nature of Ms. Ritu went out of bounds and every passing occasion became an obligation for Ishika to ask her parents for opulent gestures of wealth.

When the child turned 4, Ishaan decided to move out of his parent's house and settle down with Ishika and his daughter Ahaana, as the family started to experience a tiff.

IV. As soon as everything began to settle, Ishika received a letter at their residence from one of Ishaan's business partners Mr. Ronit Chatterjee, threatening to cancel a business tender that Ishaan partnered with him, in case he fails to pay him the promised amount as confirmed and signed by Ishaan on papers. Later when Ishika confronted Ishaan about the threat, Ishaan peacefully denied it and comforted her that soon the matter will get closed. Following the incident, on the night of 6th December 2015, Ishaan comes back from work in a drunken state and asked to sell off their car which was a gift from Ishika's dad at their wedding. Ishika got futile and asked Ishaan to reconsider. The next morning Ishika noticed that their car was sold, and her jewellery has been sold off too. Seeing her husband in such a futile state, she started making late-night shifts at her office to support him. But the moment Ishaan learned about Ishika's working he fought with her and compelled her to immediately call off her job.

V. On a fine Monday morning at 9:30 am when Ishaan went to run some errands, Ritu called Ishika to her place to talk about the current situation of Ishaan and asked her to withdraw some amount to get away with the hostile situation. Ishika could not think straight because of what her husband was going through, and she dialled at her parent's home in Vaishali, to ask for 3.5 crores of bill. Whatsoever, she convinced her parents to sell off their ancestral home in Machail, Dinpur.

VI. Around 5:30 pm on 8th January 2020, she went off to her In-law's house with the amount duly talked through. Upon her arrival she witnessed her husband and her daughter Ahaana already sitting there with the family. Later

that night Ishika went to talk to her mother-in-law privately where Ahaana goes by the balcony and saw her grandmother weeping into tears while her mother was being loud about something. As soon as the supper got over, Ishika left with her daughter and husband, and on their way back home, Ishaan and Ishika got curled up in a fight over the amount she was paying to Ritu. Ishaan accused her of being overprotective where Ishika got defensive and abused him for receiving dowry from her parents since they got hitched.

VII. The fight continued and heated up to the extent where Ishaan began cussing Ishika for being an irresponsible wife and daughter-in-law. In the heat of the moment, Ishika threatened to leave Ishaan and her daughter Ahaana. The following morning, 9th January 2020, Ahaana and Ishaan were taken aback when they realised about Ishika's absence in the house. Ishaan panicked and decided to wait till evening as this is not the only time that Ishika left the house. There were times when she had gone outside to clear some air and use to come back that very day. In the evening, Ishaan informs about Ishika's disappearance to Ritu and her husband Harsh deep aged (65) years, where the family decides to enquire about Ishika's presence at her friend's place.

VIII. When nothing unravels, the family reports about Ishika's missing to the nearest police station on the evening of 9th January 2020 around 7:30 pm.

IX. The next morning, a body is found in the nearest Artificial Water Canal by a cleaning worker, on the outskirts of the Bengaluru city road in a distorted manner. The family confirms the body identifies as that of Ishika's. When the news gets conveyed to Ishika's parents in Vaishali, they filed a complaint against Ishaan and Ishika's In-law's for dowry and murder of their daughter. They informed the police that Ishika started to behave in a distressed manner of agony, and frustration about her husband's financial failures.

X. The Post-mortem report submits that the body had been deflated due to drowning with the assumption that the person died because of sudden trauma and unconsciousness. The Police began the investigation on the matter and records the statements of possible witnesses.

NOTE: Constitution of India and Indian laws are to be considered as in pari materia.

### **ISSUES**

1.WILL ISHAAN AHLUWALIA BE HELD GUILTY FOR THE MURDER OF ISHIKA AHLUWALIA?

2.WILL ISHAAN AND HIS PARENTS WILL BE HELD LIABLE FOR DOWRY, CRUELY AND/OR DOMESTIC VIOLENCE?

3.ISHIKA'S DEATH: MURDER OR SUICIDE?

\*Documents attached herewith\*

## **Arrest Cum-Inspection Memo**

**P.F No 768791 (SEW 233117 C.R.L.J 352519)**

1. P.S & Case Reference: 34568117 Date: 11.01.2020
2. Name and Address of the Arrestee: Mr. Ishaan Ahluwalia  
B-12, Aloft Residency Malad  
Bengaluru - 290072
3. Date. Time & Place of Arrest: 11.01.2020 4:30pm. KUTU Road,  
Bengaluru
4. Name & Designation of Officer affecting arrest: Anil Dureja, Police  
Inspector
5. Ground of the arrest: Arrested on the charge of dowry & murder u/s 302  
and 498A of Indian Penal Code, 1860
6. Place of Detention: Kolar Police Station. Police Field Ln, Bengaluru.  
290072
7. Description role of the arrestee:
  - (I) Height: 180.56cm
  - (II) Complex ion: Wheatish
  - (III) Identification Mark: prominent tattoo on left hand.
  - (IV) Built: Perfectly built, strong posture
  - (V) Face: Oval faced
  - (VI) Age:37
  - (VII) Profession: Businessman
  - (VIII) Education: Graduate
  - (IX) Physical Peculiarities if any: NO
8. Details of injuries notice on the body of the arrestee at the time of arrest:  
NO
9. Serious ailment of disease if any: Diabetes 10. Special mention if any: NO

**FIRST INFORMATION REPORT**  
**(Under Section 154 Cr.P.C)**

**Dist: Kolar P.S: Kolar, Bengaluru Year: 2020**

**F.I.R. No: DKLN556/2021**

**Date: 10th January 2020**

1. Acts and Sections

- I. Act: Indian Penal Code, 1860\_\_\_\_\_Section: 498A
- II. Act: Indian Penal Code, 1860\_\_\_\_\_Section: 302

2. Occurrence of Offence:

- a) Day: Thursday Date From: 9-01-2020
- b) Date to Time Period time from 3:30 AM
- c) Information Received at P.S  
Date: 10.01.2020 Time: 05:30 PM
- d) Daily dairy Reference: Entry No. DD No. BQNPo72098

4.Type of information: Oral

5.Place of occurrence:

- a) Direction and Distance from P.S.: Artificial Water Canal Authority, Bengaluru
- b) Address F-6, NH-09 Artificial Water Canal Authority, Bengaluru
- c) In case outside limit of this Police Station, then the name of P.S. NOT OUTSIDE

6.Complainant I information:

- a) Name: Kamini Bhel
- b) Father's I Husband's Name: Vineet Bhel
- c) Date / Year of Birth 26th February 1954
- d) Nationality: Hindu
- e) Occupation: Housewife
- f) Address: Victor-9, D Tower, Palm Residency Vaishali

7. Details of known I suspected I unknown I accused with full particulars  
(Attach separate sheet if necessary):

Ishaan Ahluwalia, (Husband of deceased) along with Ritu Ahluwalia (Mother-in-law) and Harshdeep Ahluwalia (Father-in-law)

8.Reasons for delay in reporting by the complainant /Informant - NIL

9.Particulars of properties stolen I involved (Attach separate sheet if necessary):  
NIL





**POST-MORTEM  
REPORT**

Postmortem Report No. NH9190

Body Identified by: Ishaan Ahluwalia (Husband of deceased)

Date and Hour of Starting Autopsy: 10th January, 12:15pm

Date and Hour of Concluding Autopsy: 10th Jan, 2:10pm

Body Brought and Identified by --

P.C. – Anil Dureja

I.O. – Ramesh Kant Tripathi

1. Name: Ishika Behl Ahluwalia W/o- Ishaan Ahluwalia Age- 35years Sex-F

2. Address: B-12, Aloft Residency, Malad, Bengaluru, 290072

3. Height: 5'6" Weight: 59kgs Physique: Mid Age, dusky colored with brown eyes and short hair length

4. Special Identification Features – A Wristwatch with engraved initials of the deceased's and her husband's name.

5. Injuries: Abrasions over forehead and fronts of lower leg area, Anoxic cerebral injury. Deformation in the nasal cavity and multiple fractures causing deformity in the left hand.

6. Internal examination: Damaged alveolar spaces, with hypoxemia. Cardiac reflex arrest along with breakages in the spinal cord region.

7. Post-Mortem Diagnosis: Body of the deceased was averagely built and well-nourished. High level of Alcohol was present in blood. Deceased was suffering

from a common health issue, i.e., high blood pressure. Frothy foam in nasal cavity and pharynx. Severe spasm of vocal cords.

Opinion about time since death: It was about 32 hours prior to postmortem examination.

OPINION: The cause of death to the best of my knowledge and belief: Opinion as to the cause of death was haemorrhagic shock due to the lack of oxygen by drowning.

Occurred On 9th January Morning at around 3:30-4:00am

Signature: V. Sahni

Name and Designation: Dr. Vinay Sahni (MD, Secretary at Dept. of Forensic Medicine and Toxicology, JN Medical college)

Department of Forensic Medicine and Toxicology, Jawaharlal Nehru Medical College,

Bengluru, 202002

INDIA

## CHARGESHEET

(Under Section 173 CR. P.C.)

IN THE COURT OF THE SESSIONS JUDGE, BENGALURU

Dist.: Kolar, (South-West), P. S: Kolar Police Station, Year 2020

FIR No.: DKLN556/2021, Date:10th January 2020

Final Report/Charge-Sheet No: 556/2021

Date: 19th January 2021

Name address & occupation of complainant or informant: **ISHAAN**

**AHLUWALIA**, B-12, Aloft Residency, Malad, Bengaluru, 290072; Business dealing in Exports

Name and address of accused person not sent up of trail: RITU AHLUWALIA, HARSHDEEP AHLUWALIA; G-29, Yashwant Bagh, Bengaluru.

Chargers of Information: u/s 498A IPC and u/s 304B IPC, 304B+306, 302, and 113B of Indian Evidence Act, 1872

Property (including Names and weapons found with addressed of particulars of where witnesses when and by whom found and whether forwarded to

Magistrate:

Particulars of witnesses to be examined:

S/No.	Name	Occupation	Type of evidence to be tendered.
1	SUMAN IYER	House Help	Police Statement
2	GRACE MATHEW	Neighbour	Police Statement
3	MAGAN REDDY	Watchmen	Police Statement
4	NITESH KRISHNAN	Bartender	Police Statement
5	MUKESH KHATRI	Cleaning Worker at Bengaluru Artificial water Canal	Police Statement

**Brief facts of the case is that:**

- On 9.01.20, Insp. Anil Dureja lodged an FIR for a missing person (Mrs. Ishika Ahluwalia) wife of Mr. Ishaan Ahluwalia both residing at Aloft Residency, Bengaluru. Ms. Ishika was reportedly missing from her home since the dawn of 9<sup>th</sup> January 2020. The last time the missing person was seen was with her husband and daughter around 12:30am at their residence.
- After midnight around 1:00am, Ishika was seen at the Skyway bar, which is located 30 minutes away from her residency. According to the Bartender the women took a couple of drinks, and two 750ml bottles of Blended Scotch, wherein the payment was made in cash. Following this, Ishaan Ahluwalia was also seen at the same bar at around 3:00am, to buy a bottle of Whiskey, where he left his mobile phone.
- On the morning of 9<sup>th</sup> January 2020 Ishaan and Ahaana (Daughter) noticed that Ishika was not at home. Seeing her past behaviors, he thought that she would return by evening. On the contrary, when Ishika did not come back, Ishaan informed his parents, Ritu Ahluwalia and Harshdeep Ahluwalia about Ishika being missing and upon their arrival they decided to approach the police and file an FIR.
- On 10<sup>th</sup> January 2020, Insp. Anil Dureja received a call at around 8 am from Bengaluru Artificial Water Canal Authority saying that they have found a dead body of a female mangled between shafts of the canal found by the cleaning worker who was on morning duty. The police arrived at the canal at around 8:30am and the body was transferred to SKM Hospital.
- According to the cleaning worker, who was on morning duty came to the spot around 7:45 am and he saw irregularities in the flow of water where he realized that there was a body in between the shafts. With the help of two-

three workers he took the body out and informed the authorities and police.

- The police looking at the similarities between the body and the description of Ishika Ahluwalia as given by her husband, Ishaan Ahluwalia, he was informed and at around 10 am Ishaan Ahluwalia identified the body as Ishika's, and the Ishaan's family sent the body for autopsy around noon that day.
- On the same day Ishika's parents flew in from Vaishali and upon hearing the news of their daughter's death they filed an FIR against Ishaan and Ishika's in-laws.
- According to the autopsy report received on 11<sup>th</sup> January 2020 around 10 am showed that the cause of death was by drowning while being intoxicated. The body had abrasions over forehead and fronts of lower legs along with deformities in the nasal cavity and multiple fracture forming deformities on the left hand. According to the FIR filed by Ishika's parents Mrs. Kaamini Behl and Mr. Vineet Behl, an arrest warrant was issued against Ishaan Ahluwalia, and he was arrested at 4:30pm.
- On 11<sup>th</sup> January 2020, in the evening the body of the deceased was handed over to the family accordingly.
- Accordingly, the information that was received from the tele communications department, Ishaan's cell phone (iPhone XS, IMEI number- \*#06#7895588340) was tracked where the last location recorded was of the Skyway bar at around 3:00am on 9<sup>th</sup> January 2020.
- The expert in the case, Mr. Ishaan has been accused of Dowry Death and Cruelty against Women. He may be charges with sections, u/s 498A IPC and u/s 304B IPC, 304B+306, 302, and 113B of Indian Evidence Act, 1872.

- The accused are in judicial Custody

Signature of the Investigating officer  
submitting the Final Report / Charge Sheet

Name: Ramesh Kant Tripathi



## **STATEMENT OF WITNESESS AS RECORDED BY POLICE**

### **1. ISHAAN AHLUWALIA (HUSBAND):**

I am Ishaan Ahluwalia, husband of Ishika Ahluwalia. We got married in Feb 2012, with the utmost blessings of our parents. Ishika and I have been living together since then in Bengaluru, but we shifted to an apartment in Aloft Residency when our child turned 4, due to certain trifling quarrels going on at my parents' home. My parents and I have always looked after Ishika and Ahaana to the best of our capabilities. We often use to make visits to our parent's house for dinners and lunches. The night Ishika went missing, me and her had an argument over my business situation and funds, wherein she had alarmed my parents of my financial crisis and had borrowed money from her parents in Vaishali, without bringing it to my attention. After being into the argument for about an hour, she went outside the house. Soon after that, I took a couple of drinks to clear my head, but my Liquor got over, for which I took a short trip to the nearest Skyway Bar at around 2-2:30am, to get a bottle of Whiskey. When I came back to my residency, I went to check on my daughter and then dozed off to sleep. Next morning, I got up by the doorbell, wherein our maid Suman entered the house and woke me up for breakfast, when me and Ahaana realized, Ishika was not at home yet. I thought to myself, not again, as this was not the first time when Ishika went outside the house and came back after a couple of hours after we had a quarrel. I waited patiently till the evening, but when nothing turned out as expected, I informed my parents. When my parents came in, we tried calling Ishika's friends, but even then, the whereabouts of Ishika were unknown. At around 7:30 in the evening, my parents and I duly went to nearest police station to report the matter and filed a missing person's FIR immediately.

## **2. AHAANA AHLLUWALIA (DAUGHTER):**

My parents were very generous and loving towards me, but they had occasional fights and arguments I don't know about what. On 8th Jan 2020 I saw my grandmother and mother fighting in the evening, I got scared. My father took me to my grandparent's house the same evening where mom also arrived an hour after our arrival. Later, we had dinner and then we left for home. In the car also mom and dad were fighting and verbally abusing each other. When we reached home my mom put me to bed around 10:30 pm. I woke up at 11:30pm by the sounds of my parents, who were then arguing. I got scared and went off to bed. Next morning when I woke up around 7:30 am, I went to see my mom, but I could not find her in the house neither did my dad find her in the house. We tried calling her, but she did not pick up and we informed my grandparents regarding this issue, and everyone decided to wait for my mom to show up, but she did not come home. My dad and grandparents went to the police station. Next day dad got a call saying that they found my mother and I was assured that my mother would come home soon but later that day I was told by my dad that my mother had died. I can't believe that my mother is no more.

## **3. RITU AHLLUWALIA (MOTHER-IN-LAW):**

I am a medical practitioner in the field of psychology. My son and daughter-in-law have been wedded to each other since 2012. As for me and my family, we were absolutely delighted for this union. We used to go on luncheons and have family gatherings quite often with Ishika's family. Ishika gave us the gift of our first grandchild, Ahaana, an year after the marriage. But later, she decided it will be beneficial for her child to grow in an environment where her child receives all child developing facilities under one roof, and the family shifted to an apartment, when Ahaana turned 4. We were supportive of her decision and tried managing the time to be spent with my granddaughter, accordingly. Ahaana use to visit us often with Ishaan and Ishika as we shared a decent bond even after they had moved out. Me and my husband, use to bring presents for Ahaana and even celebrated most festivals together. The night Ishika went missing, the entire family has come to visit us for dinner, where she had a tough conversation with



me about Ishaan's financial crisis and his failing health. Afterwards, we shared the supper, and they all went back to their home. The following day I got a call from Ishaan in the evening around 6:20 pm, informing me and Harshdeep that Ishika had not returned home since the morning. We then rushed to Ishaan and Ishika's residence to get a further clearer update of the situation that had occurred then. When nothing seemed to come out, my husband was convinced we should file an FIR. We went to the nearest PS and filed a report on 9th January 2020

**4. HARSHDEEP AHLUWALIA (FATHER-IN-LAW):**

Ishika was like a daughter to me. She treated me with utmost respect and took care of me whenever she visited us. On 8th Jan 2020 she came at my place for dinner and family time because they were having a rough time. After dinner, all three of them bid us goodbye and left. Next day I got a call from Ishaan (Husband) saying that Ishika was missing and then we went to their place immediately. Ishika did not respond to our calls, we decided to wait for some time and later filed a missing person's FIR in the nearby police station. On 10th Jan 2020, my son got a call saying they found a body which my son later identified to be Ishika's. Ishika was a loving soul and it's like I have lost my daughter.

**5. SUMAN IYER (HOUSEHELP):**

I am Suman. I have been working at this place for 8 months now. On 8th January I saw Ishika madam for the last time when I was leaving after work around 4 pm. Ishika Madam and Ishan sir lived alone with their daughter Ahaana. In last few months I heard the couple quarrelling and abusing 2-3 times on some matters. I am not aware of the reason of their quarrels. They loved and pampered their daughter a lot. Ishika's in-laws did not visit much to their apartment, I have only seen them visiting 2 times in last 8 months.

**6. GRACE MATHEW (NEIGHBOUR):**

I am Grace Mathew, a teacher at the Holy Trinity College. I have been living in The Aloft Residency for 15 years. Mr and Mrs Ahluwalia shifted to Malad in this

apartment only in 2015. On 8th January, when I was cooking dinner around 10 pm, I heard loud voice of the couple quarrelling on some matter. I also heard some sharp sound of utensils falling and doors banging. I have heard the couple abusing each other before as well when they use to arrive in drunken state.

**7. MAGAN REDDY (WATCHMEN):**

I am Magan Reddy, the night-shift watchmen at the Palm Residency. My shift is from 9 pm to 7 am in the morning. On 9th January when I was returning to the main gate after mid-night patrolling around 12:15 am, I saw Ishika madam leaving in her car around 12:35 am and after almost 2 hours I saw Ishaan sir leaving in his car around 2:00 am. The CCTV is not functional for 2 weeks now and the complaint for the same has been made to the electricity department.

**8. NITESH KRISHNAN (BARTENDER):**

I am Nitesh Krishnan, Bartender at Skyway Bar in Vaishali. I have been working in this bar for 2 years now. Mr and Mrs Ahluwalia are our regular customers and use to visit us almost every weekend. On 9th January Ishika Madam came to the bar around 1:00 am, she had ordered for a whiskey and two beers. She finished her drink and took 2 bottles of Blended Scotch and left the bar around 1:45 am. Ishaan Sir also came to the bar around 2:30 am when we were packing up everything, he took a couple of beers and left immediately, leaving his cell phone at the Bar's counter.

**9. MUKESH KHATRI (CLEANING WORKER AT THE WATER CANAL):**

I have been working under the Bengaluru Artificial Water Canal Authority for 5 years, for the last four months I have been assigned the duty of cleaning the water reservoir of fresh water for the morning shift. The previous day when I was on my duty around 8:00am, I saw there was some junk that got trapped in the water body which prevented the flow of water to pass through. Afterwards when I went to check in, I witnessed a body of a women trapped in the canal and with help of two-three co-workers I managed to pull out the body to clear the obstruction. As soon as I could gather an insight, I went in to tell the Head of

Canal Waters Dept. Bengaluru Head office and duly narrated the incident. The matter was later reported to the nearest police station. The police arrived at around 8:30am to check in for details.

