



Crl.A.No.830 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.06.2026
PRONOUNCED ON : 19.08.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.A.No.830 of 2022

1.Kumaravel, (A/38 Years),
S/o.Arumugam.

2.Malarkodi (A/61 Years),
W/o.Arumugam,
Both are residing at
No.111/1, Alwapettai Road,
Teynampet, Chennai-600 018.

... Appellant

Vs.

The Assistant Commissioner of Police,
Teynampet Range,
Teynampet,
Chennai-600006.
Crime No.225 of 2013.

... Respondent

PRAYER: Criminal Appeal is filed under Section 374(2) of Code of Criminal Procedure, to set aside the conviction and sentence against the appellant in Sessions Case No.207 of 2015 on the file of the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai dated 13.07.2022 and allow this appeal.



Crl.A.No.830 of 2022

For Appellant : Mr.S.Saravanakumar

For Respondent : Mr.S.Udayakumar,
Government Advocate (Crl. Side) assisted by
Ms.Harshana.T

JUDGMENT

The appellant/A1 & A2 were convicted *vide* judgment dated 13.07.2022 in S.C.No.207 of 2015 by the learned Sessions Judge, Mahalir Neethimandram, Chennai (trial Court) and sentenced to undergo three years Rigorous Imprisonment each and to pay a fine of Rs.5,000/- each in default to undergo Simple Imprisonment for three months each for offence under Section 498A IPC and further sentenced to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.10,000/- each in default to undergo Simple Imprisonment for three months each for offence under Section 306 IPC. Challenging the same, the present appeal filed.

2.For convenience and clarity, the appellants are referred to as accused, as per their rank, in the charge sheet.

3.Case of the prosecution is as follows:

(i)A1 and A2 are husband and mother-in-law of the deceased Priya.

PW1, PW2, PW3 & PW4 are the father, mother, brother and cousin sister of



Crl.A.No.830 of 2022

the deceased, respectively. The marriage between A1 and the deceased was an arranged marriage, held on 08.09.2001. During the marriage, 45 sovereigns of gold jewels, Rs.1,00,000/- in cash, household articles and five sovereigns of gold given to A1 gave as dowry. After the marriage, A1 and the deceased resided together at No.111/1, Alwarpet Street, Teynampet, Chennai. At the time of marriage, it was projected that A1 employed in TVS Company. After the marriage, it came to be know that he was only an Electrician and not employed in TVS Company.

(ii)When the deceased was five months pregnant, alliance sought for A1's brother with PW4, cousin sister of the deceased. After marriage, all lived as joint family. Initially for six months, there was no issues, later, started demanding money for setting up an electrical shop. A1 became an alcoholic, started beating the deceased mercilessly. PW4, Latha, who married A1's brother and lived in the joint family, one day saw the injuries on the face of the deceased and questioned, the deceased who informed the brutality of A1. Hence, PW4 informed parents of the deceased, who came there, questioned A1, gave advice and left.



(iii) On all occasions Deepavali, Pongal, baby shower and cradle function, the accused demanded more dowry. In fact, on one occasion, when the harassment by the accused became severe, the deceased went and stayed in her parents' house. The maternal uncle of A1 mediated and reconciled the issue, 20 days prior to 07.08.2013, the deceased returned to the matrimonial home with her child. Though A1 earlier promised that the deceased would be treated with care and concern and there will be no harassment, but harassment and cruelty continued. The deceased called her mother/PW2 and cried asking her why she had given her in marriage to A1 and why she is made to lead such a miserable life.

(iv) On 07.08.2013, PW4 went to the terrace to collect dried clothes. While she was descending, she heard a huge noise and shouting from the portion of the deceased. She entered the room, found A1 using force against the deceased, while both the accused shouted and abused her, and the child Pugazh cried. Hence, PW4 took the child to her portion. Within half an hour, another neighbour, namely Rani/PW5, informed the deceased committed suicide. Immediately, PW4 rushed there and found the deceased lying motionless on a cot with an injury on her neck. She shouted and cried, thereafter, the deceased took to a nearby nursing home, where she was



Crl.A.No.830 of 2022

declared brought dead, thereafter, the deceased was taken to Royapettah Government Hospital. PW9, Casualty Doctor confirmed that the deceased was brought dead.

(v)PW4 immediately informed PW1 to PW3 about the death of the sister Priya. PW1 to PW3, along with the parents of PW4, came from Thiruvallur and went to Royapettah Government Hospital, where they found the body of Priya kept in the mortuary and the accused absconded. Thereafter, PW1, along with PW3 and PW4, went to the respondent Police Station and lodged a complaint (Ex.P1).

(vi)PW11 received the complaint (Ex.P1), registered the FIR (Ex.P16) and placed it to PW17, Investigating Officer who took up investigation, visited the scene of occurrence, prepared the Observation Mahazar (Ex.P17), Rough Sketch (Ex.P18) and finding that the death took place in the matrimonial home and within seven years of marriage, forwarded FIR to PW7, the Revenue Divisional Officer, who conducted inquest and submitted his report (Ex.P8). Thereafter, PW10, Doctor conducted postmortem and issued Postmortem Report (Ex.P15). Thereafter, Assistant Commissioner/PW13 took up investigation, examined the witnesses, collected documents and materials,



filed alteration report altering Section 174(3) Cr.P.C. to Section 306 IPC *vide* alteration report (Ex.P20) and thereafter filed another alteration report (Ex.P21) for offence under Sections 304(B) and 498A IPC and filed charge sheet.

(vii)The trial Court framed charges against the accused for offence under Sections 498A and 306 IPC. During the trial, PW1 to PW13 examined and Exs.P1 to P21 marked and MO1 and MO2 produced. On the side of defence, no witness examined and no document marked. On conclusion of the trial, the trial Court convicted the accused as stated above.

4.Learned counsel for the appellants submitted that in this case, PW1 to PW4 are the father, mother, brother and cousin sister of the deceased, respectively. Apart from these four interested witnesses, no independent witnesses examined in this case. PW5, a neighbour and tenant in the building not supported the case of the prosecution. PW6, another independent witness to Observation Mahazar (Ex.P17) and Rough Sketch(Ex.P18) also not supported the case of the prosecution. There were *inter se* contradictions in the evidence of PW1 to PW4. The entire case rested on the evidence of PW4, since PW4 was residing in a joint family with her cousin sister, late Priya, she



Crl.A.No.830 of 2022

will be the right person to state whether there was any cruelty and whether the deceased committed suicide due to abetment of the accused.

5.He further submitted that in this case, PW1 to PW4 admitted that it was an arranged marriage and the betrothal held by the parents of the deceased and the marriage conducted by the family of A1 in Chennai and the respective families bore the expenses for the function. During the marriage, gold jewels presented to the bride and bridegroom and the cash for household articles all given as Sridhana. Once the articles presented as Sridhana, they could not thereafter be termed as dowry. He further submitted that it was a practice, tradition and culture that during important functions, whenever the newly married bride and bridegroom visited the bride's house during festival, presents and gifts would be given. Likewise, in this case, gifts presented during baby shower and cradle function. These gifts and presents cannot be termed as dowry. After the death of deceased, all presented articles projected as demand of dowry. Till the death of the deceased, there was no complaint of any dowry demand or harassing to any of the family members of the deceased and to the Police or to any one.



6.He further submitted that PW4, who married the brother of A1, later moved away from the matrimonial home due to differences of opinion between them, hence, she gives exaggerated and magnified version by introducing new facts. In the complaint (Ex.P1), there was no reference to any periodic demand of dowry or subjecting the deceased to physical and mental torture. After death, the theory of cruelty and demand for dowry introduced. When PW4 was examined by PW7, the Revenue Divisional Officer, she has not made any specific averment regarding cruelty or abetment of suicide by A1. In fact, PW4 stated that when she came down from the terrace, she heard the noise and shout in the portion of A1, at that time, she saw A1's sister Saraswathy, who complained about her sister-in-law, the deceased. When PW4 went inside the house, the deceased took her room key and went inside the room. Since the child was crying, she took the baby and nothing more. PW4 further stated that earlier the deceased used to complaint that A1 doubted the deceased and harassment caused in this regard. But PW4 after got separated from her husband [brother of A1], started giving exaggerated version before PW8/Social Welfare Officer. The complaint before PW8 is only to the limited purpose seeking return of jewels and articles. All articles returned to PW1's family is admitted. These facts and contradictions elicited in the evidence of PW4 and PW12 & PW13/Investigating Officers. But the trial Court not considered the



CrI.A.No.830 of 2022

same.

WEB COPY

7.He further submitted that the other three witnesses, namely, PW1 to PW3 only repeated what was told to them by PW4, except with regard to the presentation of articles on various occasions and the deceased coming to their house and staying with them for some time. With regard to the circumstances soon before the death, PW4 is the only witness. Thus, there was no live link between the acts of the accused and the death of the deceased, and the accused was not the cause and reason for the deceased taking such extreme step.

8.He further submitted that mere allegation of harassment, without any positive act proximate to the time of occurrence, would not make out the offence under Section 306 IPC. To constitute abetment as envisaged under Section 306 IPC read with Section 107 IPC, there must be some evidence to show that the accused intentionally aided, instigated or abetted the deceased, or committed any illegal omission which facilitated the commission of suicide. He further submitted that PW4 admitted that the deceased brought down from the hanging position and immediately A1 took all steps to revive her by blowing air into her mouth and attempting to save her. A1 also sprinkled water on her, and both appellants took the deceased to a private nursing home and



Crl.A.No.830 of 2022

thereafter to Royapettah Government Hospital, where the Casualty Doctor/PW9 recorded and confirmed the same in the Accident Register. Thus, there is no evidence that the deceased committed suicide because A1 and A2 subjected her to cruelty by making demand for dowry or caused harassment. On the facts of the case, there was no cruelty as defined under Section 498A IPC and, hence, Section 113A of the Indian Evidence Act not attracted.

9. In support of his contentions, learned counsel for the appellants relied on the following decisions:

(i) In the cases of *Manju Ram Kalita v. State of Assam* reported in *AIR 2009 SC (Supp) 2056* and *Smt. Bhagawati Devi v. State of Uttarakhand* reported in *2025 SAR (Cri) 1075*, the Hon'ble Apex Court held that cruelty had to be determined/inferred by considering the conduct of the man, weighing the gravity and seriousness of his acts and finding out whether such conduct was likely to drive the woman to commit suicide. Petty quarrels could not be termed as "cruelty" to attract the provisions of Section 498A IPC. Causing mental torture to the extent that it became unbearable could be termed as cruelty.

(ii) In *Velladurai v. State represented by the Inspector of Police*, reported in 2021 (4) Crimes 331 (SC), and *Abinav Mohan Delkar v. The*



Crl.A.No.830 of 2022

State of Maharashtra & Ors., reported in ***2025 SAR (Cri) 1125***, the Hon'ble

Apex Court held that the person who was said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing a certain act to facilitate the commission of suicide. Further, there had to be a proximate act of abetment involving the mental process of instigating a person or intentionally aiding a person in doing a thing to commit suicide. Without a positive act on the part of the accused in aiding, instigating or abetting the deceased to commit suicide, the accused could not be held liable.

10. Without prejudice to the contention on merits, learned counsel for the appellants submitted that the issue almost resolved between the appellants and PW1, since PW1 later realised that during then prevailing family situation, he made the complaint in emotion. The minor son, Pugazh, of A1 and the deceased brought up and was being taken care of by his maternal grandfather/PW1, the defacto complainant and PW2 maternal grandmother. Earlier, through a family partition and arrangement, the appellants, as the first and second parties, along with Singaravel, the second son, brother of A1 and son of A2 and Saraswathi, the sister and daughter of A1 and A2, as the third and fourth parties, entered into an arrangement, by which the appellants were apportioned with plot at Amuthurmedu Village in Survey No.32/1B1, Patta



Crl.A.No.830 of 2022

No.207 in Document No.18794 of 2025. This was further settled in favour of A.K.Pugazh, represented by his maternal grandfather/PW1, Ganesan by document No.18865 of 2025. The partition and settlement deeds handed over to PW1/defacto complainant and his wife/PW2 Sumathi. In view of the post development and conduct, the appeal to be allowed and the conviction of the trial Court to be set aside.

11.Learned Government Advocate (Crl. Side) appearing for the respondent Police filed written submissions and submitted that PW1, PW2, PW3 and PW4 are the father, mother, brother and cousin sister of the deceased, respectively. A1 and A2 are the husband and mother-in-law of the deceased. PW1 to PW4 deposed about the marriage between A1 and the deceased and also with regard to regular demand for dowry, subjecting the deceased to cruelty and harassing her. The marriage between the deceased and A1 took place on 08.09.2001 at Mylapore Karpagambal Marriage Hall. At that time, it was projected that A1 was working in TVS Company. Later, it came to know that he was not employed there and was doing electrical work privately. Three months later, during Deepavali, the accused demanded five sovereigns of gold jewels. A1 demanded money for setting up a separate electrical shop, which PW1's family unable to provide immediately. Hence, the deceased was beaten



and abused by A1 and A2. A1 became addicted to alcohol and used to come home in a drunken state and assault the deceased.

12.He further submitted that when the deceased was four months pregnant, PW1 and PW2 went to meet their daughter and found injuries on her face. At that time, she informed them that A1 came home drunk and beat her. Thereafter, they enquired with his parents, who promised that they would ensure that such an incident will not occur. Five months after the delivery, when the deceased sent back to the matrimonial home along with the child, A1 again beaten the deceased for not bringing the silver hip chain. On 01.05.2013, A1's father, Arumugam, employed in ICF, passed away. For compassionate appointment in ICF, the accused demanded Rs.3 lakhs. Thus, the demand for dowry was continuous. Unable to bear the harassment, she went to her parents' house, and PW1 and PW2 took care of their daughter/deceased. In the meanwhile, the maternal uncle of A1 took steps to reconcile the dispute and 20 days prior to the occurrence, the deceased returned to the matrimonial home along with her son. On 07.08.2013, PW4, the cousin sister of the deceased, married to A1's brother, went to terrace to collect washed clothes. When she returned, she heard the noise of quarrel and saw A1 beating the deceased and A2 scolding the deceased badly. Thereafter,



Crl.A.No.830 of 2022

the deceased went inside the room and locked herself inside. Since the child was crying, PW4 took the child to her portion of the house. Half an hour later, a tenant in one portion of the house, PW5, informed PW4 that the deceased was lying motionless on the cot. Immediately, PW4 went there, cried and shouted, and her sister rushed to the hospital, where she declared brought dead. PW4 informed the parents of the deceased and also her own parents, who all rushed to the hospital at about 09.30 p.m., saw the body of the deceased in the mortuary, lodged the complaint (Ex.P1) and the case registered.

13.He further submitted that in this case, PW1 to PW13 examined. The main witnesses are PW1 to PW4, who are the father, mother, brother and cousin sister of the deceased. PW7 is the Revenue Divisional Officer, PW8 is the Social Welfare Officer, PW10 is the Postmortem Doctor, and PW12 and PW13 are the Investigating Officers. In this case, apart from being the cousin sister of the deceased, PW4 resided in the joint family along with the accused and witnessed, day in and day out, sufferings, pain and cries of her sister. On each occasion, there was demand for dowry and beating, which confirms by the evidence of PW1 to PW3. On the evidence and materials produced, the trial Court found that the deceased subjected to cruelty and due to the mental and physical harassment caused by the accused, she was pushed and abetted to



commit suicide and accordingly convicted the accused.

WEB COPY

14.He further submitted that, during the pendency of appeal, PW1 and PW2, the parents of the deceased, appeared, agreed and received the settlement deed of the property in favour of their grandson Pugazh. They also confirmed that they are taking care of the grandson and providing education and all emotional support.

15.Considering the submissions and on perusal of the materials, it is seen that the undisputed fact is that the marriage between A1 and the deceased held on 08.09.2001 and it was an arranged marriage. At the time of marriage, 45 sovereigns of gold jewels, Rs.1,00,000/- in cash, household articles and five sovereigns of gold to A1 presented. PW1 to PW4 admitted that the articles presented at the time of marriage were Sridhana articles and hence, the same could not be termed as dowry. With regard to the presentation of gifts, including gold chain and other valuables, on occasions such as Pongal, Deepavali, baby shower and the birth of the child, the same are custom and practice, which cannot be termed as demand for dowry. Further, the father of A1 employed in ICF died on 01.05.2013, thereafter, a sum of Rs.3 lakhs alleged to be demanded for securing compassionate appointment.



Crl.A.No.830 of 2022

16. Even after the death of the deceased, A2 gave advance amount for purchase of property through PW1's family. Except the present complaint and the case, there was no prior complaint regarding any demand of dowry or subjecting the deceased to cruelty or humiliation. PW4 admittedly resided in the same house as part of the joint family. When PW4 initially examined by PW7, Revenue Divisional Officer on 18.08.2013, she has not stated about any beating or harassment by the accused for demand of dowry. In fact, PW4 stated that A1 was very suspicious and questioned the conduct of the deceased and on one such occasion, the deceased cut her wrist and blood oozed from her hand. Thus, there was evidence of cruelty and harassment, but not to the extent subsequently magnified in her evidence. PW4 later developed differences of opinion with her husband, Singaravel, the brother of A1, thereafter, she living separately. Thereafter, PW4's tone and tenor of her evidence changed and got magnified with force.

17. The earlier version of PW4 is that on 07.08.2013, when she came down the stairs, she heard shouting and noise, saw the fight and commotion. She enquired Saraswathi, sister of A1 who came out from the room. The said Saraswathi was complaining about Priya. Thereafter, her sister/deceased took the key and went inside the room. Since the child, Pugazh, was crying, PW4



Crl.A.No.830 of 2022

took the child to her portion. Half an hour later, PW5, a tenant and neighbour, informed her that her sister lying motionless on cot. Thereafter, the deceased immediately taken to a nearby nursing home and thereafter to the Government Hospital, Royapettah. PW9, Doctor confirmed that A1 brought the deceased to the hospital, as recorded in the Accident Register, Exs.P13 and P14. PW10, the Postmortem Doctor confirmed the death was due to hanging. The conduct of A1 immediately after the occurrence is relevant in considering the charge under Section 306 IPC. The evidence shows that A1 took the deceased to the hospital immediately after she found hanging. Though such conduct is not conclusive of innocence, the same not supported the prosecution case that A1 had intentionally aided or instigated the deceased to commit suicide.

18.The Hon'ble Apex Court clearly held that to attract the ingredients of Section 306 read with Section 107 IPC, there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back' that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. Further held that harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to



drive another person to suicidal death, there cannot be a finding of abetment under Section 306. Further held that even a rebuke to “go, kill yourself”, often a rustic expression against distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. The import of the word “soon before” has also been explained which is a relative term depending on the circumstances of each case.

19.PW7, the Revenue Divisional Officer, in his report, Ex.P10, recorded that there were contradictions in the statements of witnesses examined during inquest and referred to the allegation regarding dowry demand. PW8, Social Welfare Officer, in her report, Ex.P12, found that the allegation made by PW4 that her sister was beaten, throttled and taken to her parents’ house on 06.06.2013 are doubtful. Further the evidence of PW8 is limited to the extent for collecting the Sridhana articles including gold jewels presented during the marriage and handing over to the bride family. In this case, all articles returned is admitted by PW1 to PW3. Further, PW8 found that the death was not due to any dowry demand and there seems to be some difference of opinion between the deceased and her husband.



CrI.A.No.830 of 2022

20. Thus, it is clear from the evidence of PW4, the prime witness that when she came down the stairs, she saw the sister of A1/Sarasvathy, who complained about her sister-in-law/deceased and nothing more stated by Saraswathi with regard to any immediate act of A1 or A2 which could have driven the deceased to commit suicide. Hence, the evidence of PW4 not established any immediate or proximate act of instigation, intentional aiding or active participation on the part of A1 or A2 immediately preceding the suicide. The proximate cause of the suicide cannot be attributed to A1 & A2 on the evidence available on record.

21. In view of the above discussion, this Court holds that the prosecution failed to establish beyond reasonable doubt that A1 and A2 abetted the deceased to commit suicide. ***Hence, the conviction and sentence of A1 and A2 for offence under Section 306 IPC are set aside. Fine amount if any paid shall be refunded.***

22. In the present case, the evidence of PW1 to PW3 not confined merely to the presentation of jewels and household articles at the time of marriage. Their evidence also related to the conduct of A1 and A2 towards the deceased. The evidence disclosed that A1 demanded money for setting up separate electrical shop and the deceased was subjected to physical and mental



Crl.A.No.830 of 2022

harassment when the demand was not immediately fulfilled. Further, A1 regularly consumed alcohol and assaulted the deceased. PW1 and PW2 stated that when they visited the deceased during her pregnancy, they found injuries on her face and, on enquiry, the deceased informed them that A1 came home in a drunken state and assaulted her. Even after the reconciliation and the deceased returned to the matrimonial home, the harassment continued and she again subjected to assault for not bringing the silver hip chain. The evidence regarding the demand of Rs.3 lakhs after the death of A1's father, in connection with compassionate appointment in ICF, also formed part of the prosecution case.

23. In this case, PW4 was not a stranger or a witness who came to know about the matrimonial affairs only after the occurrence. She was the cousin of the deceased and was married to the brother of A1. She resided in the same joint family, hence, she had opportunity to know the day-to-day conduct of the accused towards the deceased. Thus, the evidence of PW1 to PW4, particularly the evidence regarding the conduct of A1, his regular consumption of alcohol, assault and harassment of the deceased, and the evidence of PW4 regarding the matrimonial circumstances, established that the deceased was subjected to cruelty under Section 498A IPC.



Crl.A.No.830 of 2022

24. In view of the above, ***this Court confirms the conviction of A1 and A2 for offence under Section 498A IPC.*** As regards the sentence, the trial Court imposed the maximum sentence of three years of Rigorous Imprisonment on A1 and A2. A1 was in custody as undertrial prisoner from 09.08.2013 to 27.08.2013 [19 days]. After conviction, A1 and A2 both were in custody from 13.07.2022 to 12.09.2022 [62 days]. Thus, A1 had undergone total period of 81 days of imprisonment and A2 had undergone total period of 62 days of imprisonment. In this case, all the valuables and Sridhana articles handed back to PW1 and PW2, which is admitted. Further, through family partition and arrangement, the appellants apportioned plot at Amuthurmedu Village in Survey No.32/1B1, Patta No.207 in Document No.18794 of 2025. This was further settled in favour of A.K.Pugazh, represented by his maternal grandfather/PW1, Ganesan in document No.18865 of 2025. The partition and settlement deeds handed over to PW1/defacto complainant and mother of late priya/PW2 Sumathi. In the facts and circumstances of the case, this Court finds that the period of imprisonment already undergone by A1 and A2 is sufficient. ***Accordingly, the sentence of three years of Rigorous Imprisonment imposed on A1 and A2 for offence under Section 498A IPC is modified to the period already undergone. Fine amount imposed by the trial Court is confirmed.***



Crl.A.No.830 of 2022

25.In the result, this Criminal Appeal is Partly-Allowed.

WEB COPY

19.08.2026

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

vv2

To

- 1.The Sessions Judge,
Mahalir Neethimandram, Chennai.
- 2.The Assistant Commissioner of Police,
Teynampet Range,
Teynampet,
Chennai-600006.
- 3.The Public Prosecutor,
Madras High Court.



WEB COPY



CrI.A.No.830 of 2022

M.NIRMAL KUMAR, J.

vv2

PRE-DELIVERY JUDGMENT IN
CrI.A.No.830 of 2022

19.08.2026