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CRL A No. 848 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A No. 848 of 2023

1. T.Ganeshkumar
S/O. Thalavaisundaram, No.10, Addis
Street, Coimbatore.

Appellant(s)

Vs

1. State Rep By
Inspector of Police, C2 Race Course
Police station, Coimbatore City, Cr.NO.
25/2019.

Respondent(s)

PRAYER: Criminal Appeal is filed Section 374 Cr.P.C. to call for the records in S.C.NO. 47/2021 on the file of the Sessions Judge, Mahila Court/Additional Special Judge for Exclusive trial of cases under POCSO Act, Coimbatore and set aside the judgement dated 04.07.2023 and acquit the appellant from all the charges.

For Appellant(s): M/s. S.Ramajayam

For Respondent(s): Mr.S.Rajakumar
Additional Public Prosecutor

**ORDER**

This Criminal Appeal has been filed by the accused, challenging the Judgment dated 04.07.2023 in S.C.No.47 of 2021 on the file of the learned Sessions Judge, Mahila Court / Additional Special Judge for Exclusive trial of cases under POCSO Act cases, Coimbatore by which he was convicted for the offence under Section 498A and 306 IPC and sentenced him as follows:

Offence under Section	Sentence imposed
Section 498A IPC	To undergo 1 year RI and to pay a fine of Rs.500/-, in default to undergo SI for three months
Section 306 IPC	To undergo RI for five years and to pay a fine of Rs.500/- in default to undergo SI for six months

2 (a). The case of the prosecution is that the appellant and the victim got married on 02.12.2018 in the presence of elders of both the families; that they were living along with the appellant's parents and his sister; that after marriage the appellant had committed cruelty on the victim in many ways and had commented upon the complexion of the victim and that she was not beautiful; that due to continuous harassment and torture the victim decided to end her life and committed suicide by hanging on 07.01.2019 in her bedroom in the house of the appellant.

(b) P.W.1, the father of the victim, had lodged a complaint to the police (Ex.P1), which was registered by the Sub-Inspector of Police (P.W.15) under



Section 174(3) Cr.P.C. Thereafter, the offences under Section 498(A) and Section 306 IPC were added. The investigation was conducted by P.W.16 to P.W.19. P.W.18 filed the final report against the appellant for the offences under Section 498(A) and 306 IPC.

(c) The trial Court framed two charges against the appellant under Section 498(A) and 306 IPC. The prosecution examined 19 witnesses and marked Exs.P1 to P27 to prove its case. The trial Court found the appellant guilty of both the charges and sentenced as stated in paragraph No.1 of this judgment.

3. Mr.S.Ramajayam, the learned counsel for the appellant / accused submitted that the alleged occurrence took place within two months of the marriage; that the victim unable to bear petty family quarrels had committed suicide; that the appellant cannot be found guilty of the offence under Section 306 IPC; that there is no evidence to show that the appellant committed cruelty of such a nature which would drive the victim to commit suicide or cruelty in connection with the dowry demand and therefore, the offence under Section 498(A) IPC is also not made out. The learned counsel further submitted that even if the prosecution case is accepted that the appellant had caused harassment by commenting upon the complexion of the victim, that would not amount to cruelty punishable under Section 498(A) IPC; and hence prayed for setting aside the judgment of the trial Court.



4. The learned Additional Public Prosecutor, per contra, submitted that the victim's suicide note would indicate that she was subjected to harassment and cruelty by the appellant; that P.W.8, the friend and relative of the victim, had corroborated the said fact; the fact that the victim had not accused any of the family members would show that her suicide note is truthful and can be relied upon; that since the victim was subjected to extreme cruelty, the appellant is guilty of abetment of suicide and therefore, there is no infirmity in the impugned judgment.

5. As stated above, the prosecution had examined 19 witnesses. P.W.1 is the relative of the victim. P.W.2 is the father of the victim. P.W.3 is the mother of the victim. P.W.4 is the elder brother of the victim. P.W.5 is the mother of the appellant. P.W.6 is the cousin brother of the victim. P.W.7 is the Mahazar witness. P.W.8 is the friend of the victim and would speak about the WhatsApp conversation between her and the victim. P.W.9 is the woman constable who had assisted the Investigation Officer. P.W.10 is the Doctor who had conducted the postmortem. P.W.11 is the Chief Manager of Bank of Baroda who would speak about the fact of the appellant pledging certain jewels. P.W.12 is the Head Constable who had assisted the Investigation Officer. P.W.13 is the Forensic Science Expert. P.W.14 is the Sub-Collector who had conducted enquiry under Section 174 Cr.P.C. P.W.15 is the Sub-Inspector who had registered the FIR. P.W.16 to P.W.19 are the Investigation Officers.



6. The prosecution had established that the appellant and the victim got married on 02.12.2018 in the presence of elders of both the families. The prosecution had established that the victim died due to hanging and had committed suicide. P.W.10, the Doctor who conducted postmortem, in his final opinion marked as Ex.P13 had stated that “*the deceased would appear to have died of hanging*”. The prosecution had marked the suicide note of the appellant which was recorded in the diary as M.O.1. Therefore, the prosecution had established beyond doubt that the deceased died due to suicide by hanging.

7. P.W.1 to P.W.4 are the close relatives of the victim. P.W.2, the mother of the victim, had deposed that the victim had told her that the appellant insulted the victim as her complexion was dark. P.W.1 speaks about going to the house of the appellant on hearing the incident, removing the body of the victim, taking her to the hospital and lodging of the complaint. P.W.3, the brother of the victim who also stated that the victim had told him that the appellant had insulted and humiliated the victim because she was dark in complexion.

8. The suicide note of the victim reads as follows:

“அன்புள்ள அம்மாவுக்கு, என்னை மன்னிசிடுமா என்னால் இவர் பேசறதை எல்லாம் கேட்டு தாங்க முடியல, நான் கஷ்டப்பட்டாலும் நிம்மதியா இருக்கலாம்னு தான் நான் இவரைக் கல்யாணம் பண்ணினேன், ஏன்னால் இவன் பேசி சாக அடிக்கறத தாங்க முடியல, நான் அழகா இல்ல, போனபோகுதுன்னு வாழக்கை கொடுத்த மாதிரி பேசரான்,



அம்மா, அப்பாவை நல்லா பார்த்துக்க, கொஞ்ச நாள் கஷ்டமா இருக்கும், அப்புறம் பழகிடும், அங்க வந்து கஷ்டப்படுத்த விரும்பவில்லை, அம்மா ஐ லவ் யூ, அப்பா ஐ மிஸ் யூ, நான் இப்படி பண்ணிகிறதுக்கு நான், மாமா, அதை அண்ணி காரணம் இல்லை, அவர்கள் தங்கள் வீட்டுப் பிள்ளை மாதிரி தான் பாத்துக்கிட்டாங்க நான் இப்படி பண்ணியதற்கு இவர்கள் காரணம் இல்லை, இவனுக்கு நீங்கள் என்ன கல்யாணம் பண்ணி கொடுத்தது தப்பு, சாரி தளவாய்கந்தரம் அப்பா, சாரி ராஜலட்சுமி அம்மா, என்னை மன்னிச்சிருங்க அண்ணா, ரூபேஷ் விபிதா என்னை மன்னிச்சிருங்க, என்னால் இவனுடன் வாழ முடியல, இவன் பேசறத என்னால் தாங்க முடியல,”

9. P.W.14, the RDO does not stated in his report that the victim died due to any dowry demand. In any case, it is not the version of the any of the relatives namely P.W.1 to P.W.4 that the victim was harassed or subjected to cruelty in connection with dowry demand.

10. It is well settled that in order to prosecute a person under Section 306 IPC, the cruelty must be of such a kind that the victim had no other option except to commit suicide. Admittedly, the victim had a good relationship with the appellant's parents and his sister. She had a good relationship with her own parents. Therefore, it cannot be said that she had no other option except to commit suicide due to the harassment and humiliation caused by the appellant. The Hon'ble Supreme Court in a recent judgment in Yadwinder Singh alias Sunny Vs. State of Punjab and another, reported in 2025 SCC OnLine SC 2332, has held that to attract the offence under Section 306 of the Indian Penal Code,



1860, there must be a direct incitement or encouragement by the accused, leaving the victim with no other option but to commit suicide. The relevant paragraph reads as follows:

“ 17. Thus, the ingredients to constitute an offence under Section 306 of the IPC would stand fulfilled in the suicide is committed by the deceased due to direct and alarming encouragement / incitement by the accused leaving no option but to commit suicide. The act of investigation as alleged must be with the intention to push the deceased into such a situation that she is left with no other option but to commit suicide.”

11. In this case as stated earlier there is no evidence to suggest that the allegations of humiliation / harassment caused to the appellant was with the intention to push the deceased into such a situation that she is left with no other option but to commit suicide.

12. Thus, this Court finds that the offence under Section 306 IPC has not been established by the prosecution. However, it is seen that the victim had made a suicide note in her diary. The suicide note is not disputed by the defense. She had stated that she was subjected to harassment by the appellant on account of her complexion. In fact, in the suicide note she had also stated that she had no grievance against the appellant's parents or his sister. Therefore, the suicide note cannot be said to be exaggerated. There appears to be truth in the suicide note.



13. P.W.2 and P.W.3 have corroborated the contents of the suicide note and had deposed that the victim had told them about the humiliation suffered by her. Hence, this Court finds that the victim was subjected to cruelty of such a nature which had driven the victim to commit the suicide. The offence under Section 498(A) IPC is therefore made out. However, considering the overall circumstances and the nature of allegation against the appellant, this Court is of the view that ends of justice will be met, if the appellant is sentenced to the period already undergone by him so far. It is reported that the appellant was a remand prisoner from 27.05.2019 to 17.07.2019 and after conviction from 04.07.2023 to 22.08.2023.

14. Consequently, the Criminal Appeal is partly allowed and the appellant is acquitted of the offence under Section 306 IPC and he is convicted of the offence under Section 498-A IPC and sentenced to the period of imprisonment already undergone.

16-02-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

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1. Inspector of Police, C2 Race Course
Police station, Coimbatore City, Cr.NO.
25/2019.
2. The Sessions Judge, Mahila
Court/Additional Special Judge for
Exclusive trial of cases under POCSO
Act, Coimbatore
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN J.

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