

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-08-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL MP No. 14341 of 2026

in

CRL A NO. 967 OF 2026

1. Ramamirtham
S/o.Kailasam,
Residing at
Periya Theru, Melathavarthampattu,
Chidambaram Taluk,
Cuddalore District.
2. Mangaiyarkarasi
W/o.Ramamirtham,
Residing at
Periya Theru, Melathavarthampattu,
Chidambaram Taluk,
Cuddalore District.
3. Kalaiyarasi
W/o.Barathiraja,
All Residing at
Periya Theru, Melathavarthampattu,
Chidambaram Taluk,
Cuddalore District.

..Petitioner(s)

Vs

State represented by its
Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.
Crime No.89 of 2026

..Respondent(s)

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Cuddalore District.

..Appellant(s)

Vs

State represented by its Inspector of Police,
Kumaratchi Police Station, Cuddalore District.
Crime No.89 of 2026

..Respondent(s)

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence imposed upon the Petitioners/Appellants in S.C.No.328 of 2018 on the file of the learned Sessions Judge, Mahila Court, Cuddalore dated 16.07.2026, pending disposal of the above Appeal.

For Petitioner(s): Mr.R.Karthikeyan

For Respondent(s): Mrs.Sharada Vivek,
Counsel for Government of Tamilnadu (Crl. Side)
Assisted by Mr.M.Arul Raj

Order

The petitioners/A1, A2 & A4 in S.C.No.328 of 2018 were convicted by the Trial Court, by the judgment dated 16.07.2026, for the offence under Sections 498A and 306 of I.P.C. and sentenced to undergo three years rigorous imprisonment and to pay a fine amount of Rs.1,000/-, each, in default, to undergo three months simple imprisonment each, for the offence under Section 498A of I.P.C. and sentenced to undergo five years rigorous imprisonment and to pay a fine amount of Rs.1,000/-, each, in default, to undergo three months simple imprisonment each, for the offence under Section 306 of I.P.C. The sentences were ordered to be run concurrently. Aggrieved against the said conviction, the petitioners have preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.The contention of the learned counsel for petitioners is that the first petitioner is the father-in-law, second petitioner is the mother-in-law and third petitioner is the sister-in-law of the deceased. The first and second petitioners' son, Kalaivanan had love affair with the deceased and subsequently married her. It was a love marriage, which was against the wishes of the family members. After the marriage, the petitioners accepted their marriage and all lived together as a joint family, but the relationship was not smooth. Whatever they spoke or advised it was wrongly understood and there was constant fight, even for trivial

issues. On 24.06.2016, while the deceased and her husband Kalaivanan were talking, at that time, the deceased used some harsh words against him. Though her husband not shown any resistance, his family members questioned the same and there was a heated arguments. On the spur of moment, the victim went into the room, committed self-immolation by pouring kerosene and set herself on fire. Immediately, her husband rushed into the room doused the fire and took her to the hospital and she was admitted to the hospital on the same day but succumbed to the burn injuries on 30.06.2016. During that period, she gave a dying declaration, which was marked as Ex.P4. In that statement, she stated that she and her husband were casually talking together body shaming each other, which was not cherished by the petitioners and the petitioners questioned the same.

3.The learned counsel for petitioner submitted that the petitioners were never the reason or abetted the deceased to take that extreme step. In this case after the death of the deceased, PW1 & PW2/parents, PW3 & PW5/brother and PW4/sister of the deceased had given exaggerated version as though there was demand of dowry. Though in this case, RDO conducted an enquiry and gave RDO report/Ex.P10, the said RDO not examined to confirm there was any demand of dowry and harassment. Further submitted that in this case, the marriage between the first and second petitioners' son with the deceased was not entertained and there was objection. Now taking advantage of the situation,

the petitioners have been roped in this case. Hence, he prayed to grant bail to the petitioners.

4.The learned counsel for Government of Tamilnadu (Criminal Side) submitted that the case of the prosecution is that the deceased Arulpriya, daughter of the de-facto complainant/Arumugam, after completing her Nursing course, was working in a private hospital at Chennai, where she developed a relationship with Kalaivanan/A-3 and subsequently married him against the wishes of her parents. After the marriage, she was residing with her husband and in-laws. The de-facto complainant states that the deceased was subjected to cruelty and harassment by her husband/A-3, father-in-law/A-1, mother-in-law/A-2 and sister-in-law/A-4 on the ground that she had not brought sufficient seer-varisai from her parental home. On 24.06.2016 at about 21.00 hours, following the harassment, the deceased poured kerosene over herself and set herself on fire. She was immediately taken to the hospital and admitted for treatment. While under treatment, the deceased informed her father that she had taken the said step due to the harassment and abuse by her husband and in-laws. Subsequently, on 30.06.2016 at about 17.00 hours, she succumbed to the burn injuries. Hence the complaint.

5. She further submitted that based on the above complaint, a case was registered in Kumaratchi Police Station, Cuddalore District, in Crime No.89 of

2016, under Section 174(3) Cr.P.C on 01.07.2016 at about 08.30 hours the Special Sub Inspector of Police and he took up the case for investigation. During the course of investigation, it was found that the deceased had died within seven years of her marriage. Accordingly, an RDO enquiry was conducted and the RDO Report was obtained. Based on the said report, the case was transferred to the Deputy Superintendent of Police, who took up the case for further investigation. She further submitted that based on the witness statement, the Respondent Police altered the section from 174 Cr.P.C to Section 498(A) and 306 IPC. On 13.04.2017. After completion of detailed investigation, the Inspector of Police has filed the Charge Sheet against the Accused Persons before the Learned Judicial Magistrate Court No.II, Chidambaram, and the same was taken on file vide PRC.No.05 of 2018. Thereafter this case was committed before the Learned Sessions Judge, Mahila Court, Cuddalore and the same was taken on file vide S.C.No.328 of 2018 dated 16.10.2018.

6.She further submitted that the Trial Court framed charges against the Accused person. During trial, the prosecution has examined PW1 to PW11 and marked Ex.P1 to P10 and produced 3 material objects, M.O.1 to M.O.3. On the defence side no witness, no exhibits and no material objects marked. She further submitted that in this case initially charge sheet filed against four persons, namely, A1-father-in-law, A2-mother-in-law, A3-husband and A4-sister-in-law of the deceased. As regards A3-husband is concerned, the case against him

quashed. As against the existing accused, the Trial Court convicted them for offence under Sections 498A of I.P.C. and sentenced to three years and for Section 306 of I.P.C., sentenced to five years. She further submitted that the family members of the deceased had clearly deposed against the petitioners and the medical records and dying declaration also confirms the same. Hence, she prayed to dismiss the petition.

7.Considering the submissions made and on perusal of the materials, it is seen that admittedly, the deceased and first and second petitioners' son had a love marriage. Hence, there is no question of demand of any dowry. Since the marriage was against the wishes of the family members, their relationship was stormy and on one such day, she took the extreme step of committing suicide. It is seen that the petitioners have taken all steps to douse the fire and taken her to the hospital. In view of the above, the conviction of the petitioners requires reconsideration.

8.Accordingly, the substantive sentence of Imprisonment imposed on the petitioners is suspended till the disposal of the appeal and they are ordered to be enlarged on bail, on condition that they shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties, each for a like sum to the satisfaction of the trial Court.

9.Further, the petitioners shall appear before the Trial Court once in three months on the first working day at 10.30 a.m., until the disposal of the appeal and if they are not able to appear before the Trial Court on that day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence as directed by the Trial Court.

10.On breach of any of the aforementioned conditions, the learned Trial Judge is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala** [(2005) 13 SCC 5560].

11. Accordingly, this Criminal Miscellaneous Petition is ordered.

17-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

RSI

Note: Issue order copy on 18.08.2026.

To

1.The Sessions Judge,
Mahila Court, Cuddalore.

2.The Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.

3.The Superintendent of Prison,
Central Prison, Cuddalore.

4.The Superintendent of Prison,
Central Prison for Women, Vellore.

5.The Public Prosecutor,
High Court, Madras.

M.NIRMAL KUMAR J.

RSI

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