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CRL A No. 1446 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 20-02-2026

PRONOUNCED ON: 24-02-2026

CORAM

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL A No. 1446 of 2023

- 1.Vijay
2. Rajan
3. Tamilarasi
- 4.Manimala

..Appellants

Vs

State Rep.By
The Inspector Of Police
HUDCO Police Station,
Krishnagiri
Cr.No.467/2018

..Respondent

Prayer: Criminal Appeal filed under Section 374(2) of the Cr.P.C., to setaside the conviction and sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri in S.C.No.62 of 2020 in its judgement dated 16.11.2023 and to allow the appeal.

For Appellants:

Mr.Karthik, Sr. Counsel
for Mr.Adithya Varadarajan

For Respondent:

Mr.S.Rajakumar
Additional Public Prosecutor

**JUDGMENT**

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The Criminal Appeal challenges the judgment dated 16.11.2023 passed in S.C.No.62 of 2020 by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, convicting the appellants/A1 to A4 for the offence under Sections 498(A) and 304(B) of the IPC and sentencing them as follows:

<i>Accused No.</i>	<i>Offence under Section</i>	<i>Sentence imposed</i>
A1 to A4	498(A) IPC	Each to undergo 3 years RI and to pay a fine of Rs.1,000/-, in default to undergo 6 months SI.
	304(B) IPC	Each to undergo 7 years RI and to pay a fine of Rs.1,000/-, in default to undergo 1 year SI;
The sentences were ordered to run concurrently.		

2. (i) The case of the prosecution is that the 1st appellant got married to the deceased in the year 2016; that on 27.09.2018, the deceased was staying in her parent's house; that between 2.00 p.m., and 5.00 p.m., she had administered poison to her child aged about 1 ½ years and she committed suicide by hanging; that about 5.00 p.m., when PW1 returned home, she found the deceased hanging and she informed PW2, the father of the deceased.



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(ii) It is the further case of the prosecution that PW2, father of the deceased had lodged a complaint [Ex.P4 and Ex.P10]. The said complaint was registered as an FIR [Ex.P9] in Cr.No.467 of 2018 by PW14 under Section 174(3) of the Cr.P.C.. PW17 took up the investigation and after conducting substantial part of the investigation had handed over the investigation to PW18, who filed the final report as against the appellants for the offence under Sections 498(A) and 304(B) IPC, before the learned Judicial Magistrate No.II, Hosur, which was taken on file as PRC No.12 of 2020.

(iii) On the appearance of the accused, the provisions of Section 207 Cr.P.C., were complied with, was committed to the Court of Sessions i.e., Principal Sessions Court, Krishnagiri and was made over to the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, for trial, which was taken on file as S.C.No.62 of 2020. The trial Court framed charges against all the accused for the offences under Sections 498(A) and 304(B) of the IPC and when questioned, the accused pleaded 'not guilty'.



(iv) To prove its case, the prosecution had examined 18 witnesses as P.W.1 to P.W.18 and marked 23 documents as Exs.P1 to Ex.P23, besides 3 material objects, viz., M.O.1 to M.O.3. When the accused were questioned, u/s.313 Cr.P.C., on the incriminating circumstances appearing against them, they denied the same. The accused neither examined any witness nor marked any document on their side.

(v) On appreciation of oral and documentary evidence, the trial Court found the all the appellant/accused guilty of the offence under Sections 498(A) and 304(B) of the IPC and accordingly, convicted and sentenced them as stated above. Hence, the accused have preferred the instant appeal challenging the said conviction and sentence.

3. The learned senior counsel for the appellants submitted that the victim died at the house of her parents; that the evidence of PW1 to PW3 as regards dowry harassment does not inspire confidence; that the three witnesses had not stated about the alleged dowry harassment in their earlier versions; that the seizure of Ex.P2, alleged suicide note and Ex.P3, letter is highly doubtful and there is no explanation by the prosecution for



the inordinate delay of 9 months in sending the two documents to Court, which was sent on 07.06.2019; that Ex.P2 and Ex.P3 have not been proved to be in the handwriting of the deceased; that the alleged video recording of the deceased prior to the commission of suicide has not been proved by the prosecution in the manner known to law; that the expert, who had examined the video recording would state that the victim had stated about certain domestic quarrels; that the allegation at best suggests that the victim was unable to bear the normal family quarrels and was hyper sensitive and went to the extent of administering poison to the child, who fortunately survived; and that therefore, the impugned judgment is liable to be set aside.

4. The learned Additional Public Prosecutor *per contra* submitted that Ex.P2, the suicide note and Ex.P3, the letter (containing the admitted handwriting of the deceased) were sent for comparison and Ex.P2 has been proved to be in the handwriting of the victim; that those two documents and the videograph that was played before the trial Court would show that the victim was subjected to cruelty in connection with dowry demand; that the evidence of PW1 to PW3 is cogent and



convincing; that any delay in sending Ex.P2 and Ex.P3 to Court and for comparison later would at best reveal a flaw in the investigation and it would not render the prosecution case unreliable in any manner; and that therefore submitted that the impugned judgment is justified and does not call for any interference.

5. As stated above, the prosecution had relied upon 18 witnesses to prove its case. PW1 is the mother of the victim. PW2 is the father of the victim and the defacto complainant. PW3 is the brother of the victim. PW4 is a relative of the victim. PW5 and PW6 are neighbours of PW1 to PW3 and they are hearsay witnesses. PW7 was a witness to the observation mahazar and turned hostile to the prosecution. PW8 is a relative of the victim and heard about the alleged harassment caused to the victim from his aunt PW1. PW9 is another neighbour of the victim's parents and is a hearsay witness. PW10 is the forensic science expert, who had compared the handwriting in Ex.P2 and Ex.P3 and had opined that they were both written by the same person. PW11 to PW13 are the constables who had assisted the investigating officer. PW14 was working as Inspector at the relevant point of time and had registered the FIR in



Cr.No.467 of 2018. PW15 is the forensic science expert who had examined the recording found in the phones belonging to PW3 and the deceased viz., OPPO (Red colour) and MI (silver grey colour) respectively. PW16 is the Revenue Divisional Officer, who conducted the inquest under Section 174 Cr.P.C. He had also marked the enquiry report-Ex.P13. PW17 is the first investigating officer, who had handed over the investigation to PW18. PW18 had filed the final report, on completion of investigation.

6. The prosecution had marked the postmortem certificate [Ex.P19] through the investigating officer [PW18]. The Doctor who had conducted the postmortem was not examined by the prosecution. However, it is seen that the Doctor had opined in the postmortem report [Ex.P19] that the deceased died due to Asphyxia due to hanging. No poison was detected in any of the internal organs of the deceased. It is the evidence of PW1 that she found the deceased hanging when she returned home after work. Therefore, it is not in dispute that the deceased committed suicide by hanging.



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7. The deceased got married to the 1st appellant in the year 2016. It is not in dispute that the deceased and the 1st appellant got married pursuant to a love affair. PW8 a relative of the victim would confirm the said fact. It is also his version that the 1st appellant and the deceased were living happily until the child was born. It is the version of PW1 that after the petitioner was born, the appellants had told the victim that the child was unlucky and had caused harassment by stating that PW1 and PW2 had not given sufficient dowry.

8. PW2 also in his evidence would corroborate the evidence of PW1 that the appellants started demanding dowry since according to them, both PW1 and PW2 had not supported their daughter and had not given enough dowry at the time of marriage. The evidence of PW3 is also to the same effect. The prosecution also relies upon Ex.P2, the suicide letter said to have been written by the deceased. The evidence of PW4 to PW9, who are either neighbours or relatives, are of no avail to the prosecution as they are either hearsay witnesses or not aware of the nature of the dispute between the 1st appellant and the victim. Therefore it has to be examined whether the evidence of PW1 to PW3 and the suicide note



proves the case of the prosecution that the victim died due to the harassment in connection with dowry demand.

9. The prosecution had established that the deceased died otherwise than under normal circumstances within seven years of marriage. Admittedly, the victim committed suicide in the house of PW1 and PW2, her parents. Section 113(B) of the Indian Evidence Act, provides for presumption as to death which reads as follows:

“When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.”

10. In order to draw the presumption, the prosecution has to establish that the deceased died otherwise than under normal circumstances and that she had been subjected to cruelty or harassment for or in connection with any demand for dowry soon before the death. As stated above, the prosecution seeks to rely upon the evidence of PW1 to PW3 and Ex.P2 to prove the said fact. Therefore, if PW1 to PW3 are believed, then the presumption has to be drawn. Hence, this Court has to



examine whether PW1 to PW3 proved that there was any harassment in connection with dowry demand.

11. PW2, the father is the defacto complainant. He had lodged a complaint and in his complaint, he would state that the victim came to their house during Vinayagar Chathurthi festival in the year 2018 and since the child had chicken pox, she could not return to the appellant's house. In the said complaint it is also stated that there were matrimonial differences between the 1st appellant and the victim. He would also state that the victim had recorded a video in which she had stated about the domestic quarrels between her and the appellants in the house of the appellants and had sent it from her mobile phone to PW3's mobile phone. Therefore, in the complaint there was no allegation of any dowry harassment.

12. As stated above PW16 was the Revenue Divisional Officer, who had conducted the enquiry. He would admit that apart from PW1 to PW3 no other relative examined by him has stated about any dowry demand. He would also state that in the CD, which was filed by him, the



deceased had not stated about the dowry demand and the deceased had stated that she was not taken care of properly and sufficient food and clothing were not provided by the appellants.

13. Be that as it may. It is seen that M.O.1 to M.O.3, which are phones of the deceased PW3 and the CD alleged to be containing the video recording of the deceased were marked through PW1. However, unfortunately, the prosecution had not elicited the contents of any recording said to have been found in the mobile phones and in the CD. There is no other witness, who speaks about the contents of the video recording made by the deceased. Even the Forensic Science expert [PW15] who had examined the mobile phone and the CD, would state that the recording revealed that the deceased had complained about certain domestic quarrels.

14. The seizure of Ex.P2 from the house has also not been clearly spoken to by either PW1 or PW2. PW1 and PW2 would state that on the day after the complaint was lodged, the police had seized Ex.P2 and Ex.P3. However, it is contrary to the evidence of the investigating officer



who would state that Ex.P2 was seized on 25.03.2019 under Seizure Mahazar [Ex.P24] and Ex.P3 was seized on 22.05.2019 under Seizure Mahazar [Ex.P23]. PW17 would speak about the said seizure mahazars [Ex.P23 and Ex.P24] made on two different dates. Further, strangely, the prosecution had not elicited from PW1 as to whether the said letters were written by her daughter. The relevant chief examination reads as follows:

“என்னிடம் தற்போது சிவப்ப, மையில எழுதப்பட்ட கடிதம் மற்றும் கருப்பு மை கொண்டு எழுதப்பட்ட கடிதங்கள் முறையே அ.சா.ஆ.2 மற்றும் 3 ஆக குறியிடப்படுகிறது.”

In the cross-examination PW1 would state about Ex.P2 and Ex.P3 as follows:

“சிவப்ப, மை கொண்டு எழுதப்பட்ட கடிதத்தில் என் மகளுடைய பெயர் எழுதப்பட்டிருக்கின்றதே அன்றி அது அவருடைய கையொப்பம் அல்ல என்றால் சரிதான். கருப்பு, மை கொண்டு எழுதப்பட்ட கடிதத்தில் அதை யார் எழுதியது, எந்த தேதியில் எழுதப்பட்டது என்ற விவரமும், கையெழுத்தும் காணப்படவில்லை என்றால் சரிதான்.”

15. The letter written in red pen (the alleged suicide note) was marked as Ex.P2 and that the letter in black pen was marked as Ex.P3 (alleged to be the handwriting of the deceased). The prosecution had not



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shown these two letters either to PW2 or PW3 and confirmed whether it was written by the deceased. Even otherwise, it is seen in Ex.P2, there is no reference to any dowry demand by the appellants. The victim had only stated that she was not happy in her life; that she had recorded her sufferings in the mobile phone and that the appellants had caused harassment by uttering humiliating words in the conversations with her. The relevant portion of Ex.P2 reads as follows:

“எங்கள் சாவுக்கு காரணம் விஜய் எனப் புருஷன், அவங்க அம்மா, அப்பா, அக்கா தான் காரணம் அவர்கள் எங்களை வார்த்தைகள் எங்களை கொடுமை படுத்தி சாவுக்கு தூண்டினார்கள், மற்றவை அனைத்தும் Mobile Phone la record Panni வைத்து இருக்கிறேன்.”

16. As stated above, in the complaint, PW2 had only stated that the victim had referred to certain domestic quarrels in the video recording. The Revenue Divisional Officer also confirms that there was no mention about the dowry demand in the video recorded in the CD(Compact Disc). The Forensic Science expert also says that the victim states about certain domestic quarrels in the video. The deceased herself in her suicide note does not refer to any dowry demand. The prosecution as stated above also did not chose to mark the transcript of the video. The Phones and video



contained in the CD were marked as Material objects and not as documents. From the above it would be therefore clear that the victim herself had not complained about any dowry demand.

17.It is seen that PW1 to PW3 had developed the allegation of dowry harassment at a subsequent stage in order to prosecute the appellants for the aforesaid offences. PW17 the investigating officer would state that when the witnesses were examined initially, they did not state about any dowry demand as they stated so only in their subsequent statement. The relevant portion of PW17's evidence reads as follows:

“என் விசாரணையில் குழந்தை பிறப்பதற்கு முன்பு, நன்றாக வாழ்ந்து வந்ததாக சொல்லியுள்ளார்கள் என்றால் சரிதான். குழந்தை பிறந்ததற்கு பின்பு, நன்றாக வாழ்ந்து வந்தார்கள் என்றும், குழந்தையின் பிறந்த நாளையும் ஒன்றாக தான் கொண்டாடினார்கள் என்று என் விசாரணையில் தெரிய வந்தது என்றால் சரியல்ல. அசா! என் விசாரணையில் பொருட்கள் போதவில்லை என்று கேட்டுக்கொண்டே இருந்ததாக சொல்லவில்லை என்றால் ‘முதல’ வாக்குமூலத்தில் சொல்லவில்லை. மறு வாக்குமூலத்தில் ‘வரதட்சணை போதவில்லை என்றும், வேறு யாரையாவது கட்டியிருந்தால் அதிக வரதட்சணை கொடுத்திருப்பார்கள் என்று சொன்னதாக என் விசாரணையில் சொன்னார்.”



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18. Even in the second statement, there is no reference to any specific dowry demand. It would only reveal that the appellants had stated that if the first appellant had married another girl, they would have obtained more dowry. Therefore, this Court is of the view that PW1 to PW3 have made improvements in their versions as regards the demand of dowry and even in the improved versions, the allegation is vague. Therefore, from the evidence adduced it cannot be inferred that the victim was subjected to dowry harassment especially in the light of what the victim herself has stated, even assuming that Ex.P2 was written by the deceased. PW8, one of the relatives would state that his aunt-PW1 that the appellants had not properly treated the child of the victim and instead preferred the child of 4th appellant and there were quarrels due to the same.

19. It is also seen from the case of the prosecution that the victim was to leave for her husband's house immediately after celebrating the Vinayagar Chaturthi festival. However, she could not leave admittedly, since the child had chicken pox. All the above facts therefore would go to show that the victim was not subjected to dowry harassment soon



before her death. Petty domestic quarrels has urged the victim to commit suicide. It is well settled that in such cases, neither the offence under Section 498-A nor 304(B) of the IPC cannot be inferred as against the appellants.

20. In ***State of W.B. v. Orilal Jaiswal***, reported in (1994) 1 SCC 73 : 1994 SCC (Cri) 107, the Hon'ble Supreme Court has held as follows;

“the court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it appears to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.



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21. The above observations are are squarely applicable to the facts of the instant case, though the Hon'ble Supreme Court had held as above in a case involving the offence under Section 306 IPC.

22. Therefore, this Court is of the view that the prosecution has miserably failed to prove that the victim was subjected to harassment on account of dowry demand soon before her death. The evidence also does not suggest that the victim was subjected to cruelty of such a nature which would drive the woman to commit the suicide. As stated above, the victim appears to have been hyper sensitive to ordinary petulance and discord, which is common in any matrimonial life. Therefore, the conviction of the appellants for both the offences cannot be sustained and the impugned judgment of conviction and sentence, is liable to set aside.

23. In the result, the Criminal Appeal is allowed. The judgment dated 16.11.2023 in S.C.No.62 of 2020 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, convicting and sentencing the appellants for the offences under Sections 498(A) and 304(B) of the



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IPC, is set aside. The appellant/accused are acquitted of the charges. The fine amount, if any, paid by the appellants shall be refunded. Bail bond, if any, executed shall stand discharged.

24-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Sessions Judge, Fast Track Mahila Court,
Krishnagiri.

2 The Inspector Of Police
Hudco Police Station,
Krishnagiri.

3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

ars/Tsg

**Pre-delivery Judgment in
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