



Crl.A.No.36 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-12-2025

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CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A.No.36 of 2023

1. Yogeswaran
S/o.Radakrishnan
No.7, 9th Street, Ganapathy Pudur,
Ganapathy, Coimbatore.

2. Krishnaveni
W/o. Radakrishnan,
95A/2, Mani Nagar,
Sivanandapuram,
Ganapathy, Coimbatore.

...Appellants/Accused Nos.1 and 2

Vs

The State Represented by
The Inspector of Police,
E-3, Saravanampatty Police Station,
Coimbatore District.
Crime No.652 of 2016

...Respondent/Complainant

PRAYER : The Criminal Appeal has been filed under Section 374 (2) of Cr.P.C., to set aside the Judgment and Conviction made in S.C.No.93 of 2018 dated 22.12.2022 on the file of the Sessions Court, Mahila Court/Additional Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore.



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For Appellants: M/s.B.Mohan

For Respondent: Mr.S.Raja Kumar
Additional Public Prosecutor

JUDGMENT

This Criminal Appeal has been filed by the accused, challenging the conviction and sentence imposed upon them, vide Judgment dated 22.12.2022 in S.C.No.93 of 2018, on the file of the learned Sessions Judge, Mahila Court / Additional Special Judge for Exclusive Trial of Cases under POCSO Act, Coimbatore.

2(a) The case of the prosecution is that the first appellant/A1/husband of the victim had married the *de-facto* complainant's daughter/victim on 19.05.2016, pursuant to a love affair; that the second appellant/mother of the first appellant/mother-in-law of the victim had committed cruelty in various ways; that thereafter, the victim and the first appellant set up a separate matrimonial home; that two weeks before the occurrence since the first appellant had to work on night shifts, he had dropped the victim in the house of P.W.1/mother of the victim; that the second appellant is said to have questioned the victim as to how she could go to her mother's house instead of coming to the



appellants' house; that on 19.10.2016, the victim had called P.W.1 over phone and had stated that the appellants demanded a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) as dowry and if she was unable to bring the said amount, she could go and die and thereafter, the victim girl committed suicide and thus, the appellants committed the offences under Sections 498(A) and 306 of the Indian Penal Code.

(b) On a complaint [Ex.P1] given by P.W.1, the Sub Inspector of Police/P.W.15, registered an FIR [Ex.P10] on 21.10.2016, under Section 174(3) of the Criminal Procedure Code which was marked as Ex.P10. Thereafter, the offences were altered to Sections 498(A) and 306 of the IPC. The enquiry was conducted by the Revenue Divisional Officer, who was not examined by the prosecution. The report of the Revenue Divisional Officer was marked as Ex.P15 through the Investigating Officer.

(c) The Investigating Officer/P.W.18/Deputy Superintendent of Police, after examining the neighbours and the relatives of the victim girl and collecting the other evidence filed the Final Report for the offences under Sections 498(A) and 306 of the IPC before the learned Judicial Magistrate No.II, Coimbatore, on 24.10.2017.



(d) On the appearance of the appellants, the provisions of Section 207 Cr.P.C., were complied with, and the case was committed to the Court of Sessions, i.e., learned Principal District and Sessions Judge, Coimbatore, in S.C.No.93 of 2018 on the file of the Sessions Court, Principal District Court, Coimbatore. The case was made over to the learned Sessions Judge, Mahila Court/Additional Special Judge for Exclusive Trial of Cases under POCSO Act, Coimbatore, for trial. The Trial Court framed charges against the first appellant for the offences under Sections 498(A) and 306 of IPC and against the second appellant for the offence under Section 498(A) of IPC and when questioned, the appellants pleaded 'not guilty.'

(e) To prove the case, the prosecution examined 18 witnesses as P.W.1 to P.W.18 and marked 17 documents as Exs.P1 to P17. When the appellants were questioned, u/s.313 Cr.P.C., on the incriminating circumstances appearing against them, they denied the same. The appellants examined three witnesses as D.W.1 to D.W.3 and marked three documents as Exs.D1 to D3 on their side.



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(f) On appreciation of oral and documentary evidence, the Trial

Court found that the prosecution had established its case beyond reasonable doubt and held the first appellant guilty of the offences under Sections 498(A) and 306 of the IPC and the second appellant guilty of the offence under Section 498(A) of the IPC and sentenced them as follows:

<i>Accused</i>	<i>Offence under Section</i>	<i>Sentence imposed</i>
A1	498(A) of IPC	To undergo imprisonment for two years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for one month.
	306 of IPC	To undergo imprisonment for seven years and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for three months.
A2	498 (A) of IPC	To undergo imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for two months.

The sentences were ordered to run concurrently for the first appellant. Challenging the above conviction and sentence, the accused have filed the instant appeal.

3. Mr.B.Mohan, the learned counsel for the appellants would submit that the prosecution had not established that the appellants had demanded dowry or committed cruelty in connection with dowry demand or



committed cruelty of such a nature which would drive the victim to commit suicide; that P.W.1 had given contrary versions in her complaint and in her deposition before the Court as to what happened prior to the occurrence; that P.W.1 had not stated about any alleged dowry demand of Rs.5,00,000/- (Rupees Five Lakhs Only) in the complaint; that the said allegation is an afterthought; that it is an admitted fact that the first appellant and the victim girl got married after a love affair and considering the contradictions in the evidence adduced on the side of the prosecution, prayed for setting aside the impugned Judgment.

4. Mr.S.Raja Kumar, the learned Additional Public Prosecutor, *per contra*, submitted that the Revenue Divisional Officer's report and the evidence of the witnesses would suggest that the victim was subjected to cruelty on account of dowry demand; that minor contradictions in the evidence of P.W.1 or the other witnesses would not affect the prosecution case in any manner; and that the Judgment of the Trial Court does not suffer from any infirmity and therefore, is not liable to be set aside, and prayed for dismissal of the appeal.

5. Considered the rival submissions and perused all the relevant records.



6. As stated earlier, the prosecution had examined 18 witnesses to prove its case. P.W.1 is the mother of the victim girl and the complainant. P.W.2 is the landlord in which the victim and the first appellant were tenants. She had turned hostile partially. P.W.3, P.W.5, P.W.6, P.W.8 and P.W.9 are the siblings and aunt of the deceased who corroborate the version of P.W.1 as regards the demand of a dowry of Rs.5,00,000/- (Rupees Five Lakhs Only). P.W.4 and P.W.7 are neighbours, who speak about the quarrel between the first appellant and the victim. Both of them turned hostile partially.

7. P.W.10 is a cousin of the victim who also corroborates the version of P.W.1 and he is a hearsay witness. P.W.11 is a driver who took the victim to the hospital after she had committed suicide. P.W.12 is the Observation Mahazar who had signed in Ex.P9 as a witness. P.W.13 is a relative of the victim girl who has been examined to corroborate P.W.1. P.W.14 and P.W.15 are the constables who assisted the Investigating Officer. P.W.16 is the postmortem doctor, who issued the postmortem certificate/Ex.P11 and also the final opinion, which was marked as Ex.P12/ The doctor had opined that the deceased died due to hanging. P.W.17 is the doctor who had made entries in the Accident Register [Ex.P13]. P.W.18 is the Investigating Officer.



8. The defence had examined the doctor who treated the deceased as D.W.1 for an ailment and therefore, could not conceive a child. D.W.2 and D.W.3 are the friends of the deceased who had stated that the first appellant and the victim were living happily.

9. It is the case of P.W.1 and the siblings of the victim that the victim was subjected to cruelty on account of dowry demand. The version of P.W.1 is that on 19.10.2016, the victim called P.W.1 over the phone and stated that the appellants were causing cruelty by demanding Rs.5,00,000/- (Rupees Five Lakhs Only) as dowry. It is the case of the prosecution that after marriage, since there were certain differences between the second appellant and the victim, the first appellant set up a separate house and therefore, they were living separately.

10. It is the version of P.W.1 that the second appellant herein had scolded the victim two weeks prior to the occurrence since the victim was staying in the house of P.W.1 when the first appellant went on night shifts for his job. P.W.1 had also deposed that the second appellant had prevented the victim from talking to P.W.1 or her other daughters. P.W.1 would further state that on 20.10.2016, the first appellant and the victim came to her house since they had frequent quarrels and wanted to sort out



their issues; that at that time the first appellant attempted to beat the victim; and that P.W.1 pacified them and both left the house. This version of P.W.1 is consistent with her version in her complaint marked as Ex.P1. However, P.W.1 for the first time had introduced the fact that the victim complained over phone that the appellants demanded Rs.5,00,000/- (Rupees Five Lakhs Only) as dowry. If this was the cause for the quarrel, there was no reason why P.W.1 did not state in her complaint that the appellants demanded Rs.5,00,000/-, as that was the basis for the prosecution case that the appellants abetted the commission of suicide. It is also not P.W.1's case that when both the first appellant and the victim came to her house on 20.10.2016, the quarrel was due to any dowry demand. The evidence of P.W.1 only suggests that there were usual matrimonial differences between any husband and wife. P.W.8, who is the witness to the incident said to have taken place on 20.10.2016, also does not say that the quarrel was due to any dowry demand. Hence, this Court is of the view that the allegation that the appellants demanded Rs.5,00,000/- is highly improbable and contrary to the earlier versions of the witnesses. The prosecution has not established that there was a cruelty of any other kind, due to which the victim had no other option except to commit suicide.



11. It is well settled that in order to attract the offence under Section 306 of the IPC, mere words such as “go” and “die” would not be sufficient to infer abetment of suicide. It is also well settled that mere harassment would not be sufficient to hold an accused guilty of abetting the commission of suicide.

12. Admittedly, it is the case that the first appellant had married the victim girl pursuant to a love affair. The evidence of the witnesses at best suggest that the first appellant and the victim girl had matrimonial differences. The evidence of the defence witnesses would suggest that the first appellant and the victim were leading a normal life. In fact, it is the case of the defence that the victim could have committed suicide because she was suffering from certain ailments. That also cannot be inferred. However, in the facts, it appears to be a case where the commission of suicide was not on account of any act of the appellants due to which the victim had no other option except to commit suicide. The victim was well educated and was aware of the consequences of her act. Even according to the prosecution, she had access to her parents and her siblings.



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13. The Hon'ble Supreme Court in *Mangat Ram vs. State of*

Haryana reported in (2014) 12 SCC 595, held that the presumption under

Section 113-A of the Evidence Act, 1872 would not automatically apply where a women commits suicide within seven years unless it is shown that the victim was subjected to cruelty. In this case, apart from matrimonial differences and the usual quarrels between husband and wife, there is nothing to suggest that the appellants had committed cruelty. Therefore, this Court is of the view that none of the offences have been established as against the appellants and consequently the Judgment of the Trial Court is liable to be set aside and hence is set aside.

14. As a result, this Criminal Appeal is allowed, and the appellants are acquitted of the charge. The conviction and sentence passed in S.C.No.93 of 2018, dated 22.12.2022 on the file of the learned Sessions Judge, Mahila Court/Additional Special Judge for Exclusive Trial of Cases Under POCSO Act, Coimbatore, are set aside. The fine amount, if any, paid by the appellants shall be refunded. Bail bond, if any, executed shall stand discharged.

12.12.2025

dk

Speaking/Non-speaking order

Neutral Citation :Yes/No



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To

1. The Sessions Judge,
Mahila Court/Additional Special Judge
for Exclusive Trial of Cases Under POCSO Act,
Coimbatore.

2. The Inspector of Police,
E-3, Saravanampatty Police Station,
Coimbatore District.

3. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN J.
dk

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