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CrI.A.No.622 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.622 of 2018

State rep. by
The Public Prosecutor,
High Court, Madras.
(Thirupapuliyur Police Station
Crime No.576 of 2011)

... Appellant

Vs.

1.M.Suresh
2.M.Sohanlal

... Respondents

Prayer: Criminal Appeal filed under Section 378(1)(b) of Cr.P.C., to set aside the judgment of acquittal of the respondents/A1 and A2 in S.C.No.10 of 2012 dated 10.02.2016 on the file of the learned District Mahalir Sessions Judge, Cuddalore District and convict the respondents/A1 and A2 for the offences committed by them under Sections 498(A) and 306 IPC.

For Appellant : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)
Assisted by Ms.Harshana.T

For Respondents : Mr.C.Kumar Talreja
for Mr.P.Veeranarayanan



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JUDGMENT

This Criminal Appeal is filed to set aside the impugned judgment in S.C.No.10 of 2012 dated 10.02.2016 delivered by the learned District Mahalir Sessions Judge, Cuddalore District.

2.The case of the respondents 1 and 2 is that the respondents are brothers, native of Rajasthan, they came to Cuddalore and running a pawn broker shop in K.N.Pettai, Cuddalore District. The first respondent married Meera/deceased in the year 1995 and they have two children. The first respondent brought his wife and children to Cuddalore in the year 2001 and residing at No.88, Sudhakar Nagar, Pathirikuppam, Cuddalore District. His two sons were studying in C.K School, Cuddalore. The first respondent was leading a happy life with his wife and children. His wife was suffering from severe headache and he took her to Doctor for treatment. On 05.08.2011 at about 9.45 a.m., after sending his children to school and having his breakfast, the first respondent went to his shop and when he came back for lunch, he found the door locked and his wife not responded to the Calling



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Bell. Thereafter he called his wife through her mobile phone but she had not responded. The first respondent went around the house and peeped through the window, he saw his wife hanging in the bedroom by a nylon rope. The first respondent informed to his neighbours and relatives and rushed to the Police Station, lodged a complaint and a case in Crime No.576 of 2011 under Section 174 Cr.P.C. registered by PW16, who registered FIR/Ex.P5 and sent a copy to the Sub-Collector and to the Sub-Inspector/PW17, who took up investigation, visited the scene of occurrence on the same day at about 6.00 p.m., prepared observation mahazar/Ex.P1 and rough sketch/Ex.P6 in the presence of witnesses, examined the witnesses present in the scene of occurrence and conducted inquest. Thereafter PW18/Inspector of Police took up investigation on 27.08.2011, examined the father/PW1 and brother/PW2 of the deceased along with her uncle/PW15 since PW1 and PW2 not conversant with Tamil. PW15 though a native of Rajasthan was doing business in Chennai, he was able to speak and understand Tamil, in his presence statements recorded and thereafter, case was altered to offence under Sections 498A and 306 IPC by alteration report/Ex.P8. After the inquest, the body was sent to Postmortem.



PW13/Postmortem Doctor conducted Postmortem and gave the postmortem report/Ex.P4. The Inspector sent the viscera and hyoid bone for forensic examination and the reports/Ex.P2 and Ex.P3 received. In this case, PW1 and PW2 are the father and brother of the deceased Meera, who made specific complaint that when the body was brought to Rajasthan for cremation, some injuries were found on the body and the first respondent was unable to give any answer and further in a hurried manner, cremation conducted in the first respondent's native Village. Further, the complaint is that the deceased Meera when she came to Rajasthan for delivery for her second son, she underwent Sterilization without the knowledge of the first respondent and she also complained that the first respondent was having illicit relationship with the second respondent's wife and she was always abused and hit by both the respondents for no reason. The deceased was always in pain, sufferings and ill-treated which she informed to her father/PW1, brother/PW2 and mother.

3.After PW1 and PW2 came to Cuddalore, they went to Thirupapuliur Police Station, asked for FIR, inquest report and other



documents which was not furnished. Thereafter, they went to Government Hospital, Cuddalore, asking for postmortem report and further, PW1 had given representation to the Superintendent of Police and Deputy Superintendent of Police. Later, they received the postmortem report confirming injuries on the deceased but first respondent would give explanation. PW1 filed a petition seeking transfer of investigation to CBCID but when the petition was taken up for consideration, it was reported that charge sheet already filed before the concerned Court. Hence the petition was dismissed with a liberty to approach the Lower Court. Thereafter, PW1 filed a petition under Section 173(8) Cr.P.C. seeking further investigation which was again dismissed, against which, he filed a revision petition before this Court and this Court dismissed the same. It is also seen that the prosecution filed a petition under Section 311 Cr.P.C. to examine five additional witnesses, which was again dismissed. The Trial Court not considered all these aspects and found that there were contradictions and exaggerations in the evidence of the witnesses, further the relatives/PW3 not stated anything about any harassment, PW5 to PW11/neighbours not deposed about any cruelty. The other witnesses are



official witnesses. Primarily PW1, PW2 and PW15 are the relatives, who deposed against the respondents, but Trial Court finding exaggerations and contradictions came to conclusion that the prosecution failed to prove the case beyond all reasonable doubt, giving benefit of doubt acquitted the respondents. During trial, PW1 to PW18 examined and Ex.P1 to Ex.P8 on the side of the prosecution. Ex.D1/photostat copy of Crl.R.C.No.967 of 2012 and Ex.C1/affidavit filed by PW1 under Section 173(8) Cr.P.C. in S.C.No.10 of 2012 marked. On conclusion of trial, the Trial Court acquitted the respondents.

4.The contention of the learned Additional Public Prosecutor is that the Trial Court failed to consider the case of the prosecution in a holistic manner. In this case, the admitted position is that the marriage between the first respondent and the deceased took place in the year 1995. Thereafter, they were living in Rajasthan for 2 to 3 years. The respondents 1 and 2 are brothers, running a pawn broker shop in K.N.Pettai, Cuddalore District and they were living together. The first respondent brought his wife and children to Pathirikuppam, Cuddalore in the year 2001 and his two children



studying in C.K.School, Cuddalore. In this case, complaint was lodged by the first respondent informing that his wife committed suicide by hanging on 05.08.2011 and the reason given is that his wife was suffering from severe headache and stomach pain and due to unbearable pain she might have committed suicide. The specific complaint of father and brother of the deceased, namely, PW1 and PW2 is that after marriage, the deceased and the first respondent were living happily in Rajasthan for some time. Thereafter, they shifted to Pathirikuppam, Cuddalore District. PW1's daughter came to Rajasthan for delivery of her second son, at that time, she complained about the harassment and physical assault by both respondents. Further, she made specific complaint about the illicit relationship between the first respondent and second respondent's wife. Though the parents and brother of the deceased questioned the conduct of the first respondent, he kept quiet. Even the uncle of the deceased questioned and informed about the illicit relationship to the respondents' father, but first respondent not changed his behaviour. The deceased being a devoted wife considering the education and welfare of her children, despite the humiliation, came back and joined the matrimonial home and she regularly speak with her father,



brother and mother, complaining the sufferings, humiliation and physical assault. PW2 gave the mobile number of the deceased to the Police and confirmed the telephonic conversation but no call details collected in this case and there have been some laxity in the investigation. The Investigating Officer not conducted the investigation as per the established procedure. The neighbours examined not stated about the cruelty or harassment. The Trial Court failed to consider that the cruelty and humiliation subjected to a wife by the husband or in-laws is within the four corners of the house and naturally not in public view. This has been given undue importance.

5. Admittedly in this case, suicide committed inside the house of the respondents and it is for the respondents to give explanation. In this case, both the school going children of the deceased not enquired which is again a flaw. He further submitted that the Trial Court failed to consider that the deceased's father and brother travelled all the way from Rajasthan not once but on several occasions complaining about improper investigation and given details about the victim's sufferings at the hands of the respondents. PW13/Postmortem Doctor in the report/Ex.P4 confirmed the injuries found



on the face, chest and shoulders of the deceased. In this case, the respondents not cross examined PW13 and elicited any answers for the injuries found in the deceased. PW13 stated that the cause of death is most probably due to asphyxia due to hanging and that would not straightaway absolve the respondents. He would submit that the specific complaint of PW1 and PW2 is that the deceased was beaten and murdered, thereafter projected as suicide. The charges framed against the respondents is for abetment for suicide, which took place inside the house, then it is for the respondents to probabalize their defence by some cogent materials to show they are not the reason for suicide. On the contrary, there are injuries on the deceased but no explanation given which the Trial Court failed to consider. The Trial Court gave undue importance, gone by the contradictions bewteen PW1, PW2 and PW15. All other private witnesses not supported the case of the prosecution. This finding by the Trial Court is perverse, against the materials collected and attendant facts of the case. Hence, prayed for setting aside the judgment of the Trial Court.

6.The learned counsel for the respondents strongly opposed the



appellants' contention and submitted that in this case the marriage between the first respondent and the deceased held in the year 1995, after the marriage both were living in Rajasthan for a period of three years and they were blessed with two sons. Thereafter they came to Cuddalore and was residing there. The first son was born in the year 2003 and the second son was born in the year 2005 and they were living in a joint family in Cuddalore. He would submit that till the death of his wife, neither the father nor the brother of the deceased visited them in Cuddalore. It was his wife who used to visit her parents in Rajasthan and she was also regularly speaking to them over phone. All these years till the death of his wife there was no complaint about the respondent ill-treating the deceased and illicit relationship of the first respondent with his brother's wife, for the first time during trial making contradictory statement which is admitted by PW18/Investigating Officer. He would further submit that other than Hindi, PW1 and PW2 did not know any other language, they were unable to communicate with locals and the Police in Cuddalore and on their own understanding making wild allegations. The Investigating Officer found the allegations to be baseless coupled with the fact that Postmortem Doctor



confirmed that the death was due to asphyxia by hanging. It is to be seen that in this case the first respondent immediately rushed to the Police Station and lodged the complaint informing the Police about his wife hanging, his two children are still with the first respondent and he is only taking care of them. Except for wild allegation by PW1 and PW2 there is no other materials. Even the relatives/PW3, PW4, PW5, PW14 and PW15 not spoken anything against the respondents. The neighbours/PW6 and PW7 are residing in the first floor of the same building and PW8 to PW11 are neighbours, but none of them stated anything about cruelty or assault by the respondents. PW12 is the Village Assistant who depose about preparation of observation mahazar and rough sketch. PW13/Docotor confirms that the cause of death of the deceased is suicide by hanging. PW16 confirms that the first respondent lodged a complaint, PW17/Sub-Inspector of Police conducted initial investigation and PW18 is the Investigating Officer who completed the investigation and filed final report in this case. He further submitted that during examination of the first respondent under Section 313 Cr.P.C., he submitted a written submission stating about his wife suffering from chronic headache and stomach pain



and she took medical treatment with Aravind Eye Hospital, Puducherry, Dr.Renuka Devi Neurologist and Dr.Latha Ramalingam, General Practitioner and visited them regularly and medical prescription produced. The learned counsel further referring to Ex.C1 and Ex.D1 submitted that with motive and vengeance petitions filed before the Trial Court as well as this Court and all the Courts rejected the claim of PW1 and PW2 as not sustainable. The Trial Court considering that it is not a case of murder and it is a case of suicide by hanging and the evidence of PW1 and PW2 are with contradictions and exaggerations, further there is no materials to link the respondents to the death of the deceased, had rightly acquitted the respondents. Hence, prayed for dismissal of the appeal.

7.Considering the submissions and on perusal of the materials, it is seen that in this case the first respondent and the deceased got married in the year 1995, they were living happily initially in Rajasthan and thereafter, shifted to Cuddalore. Out of their wedlock, they were blessed with two sons and both of them studying in C.K.School, Cuddalore. It is admitted by PW1 and PW2 that they have not visited Cuddalore after Meera settled in



Cuddalore from the year 2001 onwards. The deceased Meera used to visit

Rajasthan and stay with her parents and this has been a regular feature.

Even for her second son delivery, she went to Rajasthan and delivered her second son. Till the death of Meera, there is no complaint of harassment, beating and illicit relationship, only after the death of his daughter, PW1 and wild allegations made against the respondents as though first respondent not happy when he was informed about the deceased undergone Sterilization after her second delivery in the year 2005 and from then on, started abusing and assaulting and the deceased regularly informing her parents and brother over phone. In this case, no mobile phone seized and Call Data Records collected. The further allegation is that the first respondent having illicit relationship with the second respondent's wife is without any materials. The close relatives and the neighbours not deposed anything against the first respondent for ill-treating his wife for having any illicit relationship with the second respondent's wife. Both children of first respondent are grown up children but no enquiry conducted with them with regard to the relationship between the deceased and the respondents. On the other hand, it is seen that on 05.08.2011 at about 9.45 a.m., after sending his



two children to the School the first respondent left to his shop and came back for lunch, when he found his wife hanging in a nylon rope in the bedroom. Immediately he rushed to the Police Station and lodged a complaint to PW16/SSI, who received the complaint, registered FIR/Ex.P5 and thereafter, PW17/Sub-Inspector of Police visited the scene of occurrence, prepared observation mahazar/Ex.P1 and rough sketch/Ex.P6 in the presence of PW12, inquest conducted in the presence of PW4 and others. The postmortem was conducted by PW13/Doctor, who issued Postmortem certificate/Ex.P4 and through PW13, viscera report and hyoid bone report Ex.P2 and Ex.P3 marked. The body of the deceased flown to Rajasthan and from there it was taken to the native of the first respondent. The first respondent along with his son accompanied the body of the deceased to Rajasthan and the family members of the deceased were informed who also participated in the last rites of the deceased, later PW1 alleges that he saw some injuries and doubted the death of his daughter and he was sure that his daughter was murdered. Hence, PW1 along with his son PW2 came to Cuddalore along with PW15/relative, went to the Thirupapuliyur Police Station, gave a statement, collected medical records



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from the Government Hospital, Cuddalore.

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8.On 17.08.2011 PW1 and PW2 came to Cuddalore, met the Police Officials and Doctor on 19.08.2011 and the Superintendent of Police and Deputy Superintendent of Police on 23.08.2011, lodged a complaint and thereafter left to Rajasthan on 26.08.2011. Again on 17.11.2011, they filed a direction petition seeking transfer of investigation in Crl.O.P.No.30074 of 2011 and the same was dismissed on 14.02.2012 finding that investigation completed and charge sheet filed with a liberty to file appropriate petition before the Sessions Court. Following the same, a petition under Section 173(8) Cr.P.C. seeking further investigation filed in Crl.M.P.No.192 of 2012 before the Sessions Court wherein what is deposed by PW1 and PW2 in the chief examination are found in the petition. The Trial Court dismissed the same on 26.06.2012 and thereafter, revision petition filed before this Court in Crl.R.C.No.967 of 2012 and the same was also dismissed on 19.03.2013. The respondent filed a petition under Section 311 Cr.P.C. in Crl.M.P.No.584 of 2014 for examining additional evidence and the same was rejected by the Trial Court on 18.12.2014, against which



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Crl.O.P.No.24439 of 2015 filed and this Court by order dated 01.10.2015 dismissed the same. Thus, it is seen that PW1 and PW2 had been consistently making allegations against the respondents as though murder committed but the medical evidence and other evidence are otherwise. It is to be seen that both the sons of the first respondent and the deceased are living with the first respondent and continuing their education. A perusal of statement under Section 313 Cr.P.C and medical prescription annexed confirms that the deceased was under severe headache and stomach pain and she had unbearable pain which might be a reason for her taking the extreme step. These facts have been clearly analysed by the Trial Court by a well reasoned judgment. Hence, this Court is not inclined to interfere with the judgment of the Trial Court.

9.In the result, the Criminal Appeal stands dismissed.

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Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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To

- 1.The District Mahalir Sessions Judge,
Cuddalore District
- 2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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