



CRL A(MD)No.17 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 28.08.2025

PRONOUNCED ON : 31.10.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL A(MD)No.17 of 2018 and CRL RC(MD)Nos.558 of 2021, 741 of 2022 and 1212 of 2025

and

CRL MP(MD)Nos.9107 of 2022, 6227 of 2021, 10954 of 2025 and 11688 of 2025

CRL.A(MD)No.17 of 2018

Indira

... Appellant

Vs.

1.Danaseelan Mudaliyar

2.The State by the Inspector of Police,
All Women Police Station,
Paramakudi, Ramnad – District.
(In crime No.11 of 2007)

... Respondents

PRAYER: Criminal Appeal is filed under Section 372 Cr.P.C., to call for the records in Criminal Appeal No.16 of 2016 on the file of the learned Additional District Sessions / Fast Track Court at Paramakudi, and set aside the impugned order dated 23.08.2017 passed by the learned Additional District Sessions / Fast Track Court at Paramakudi and



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confirm the trial Court's Judgment and Conviction dated 18.11.2016 passed in C.C.No.357 of 2007 on the file of the learned Judicial Magistrate, Paramakudi, in Crime No.11 of 2007 of All Women Police Station, Paramakudi.

For Appellant : Mr.D.Saravanan
For R-1 : Mr.N.Dilip Kumar
For R-2 : Mr.M.Sakthikumar,
Government Advocate (Crl. side)

CRL RC(MD)No.558 of 2021:

Dhanaseelan ... Petitioner / Appellant /
Respondent No.1

Vs.

1.Indira ... Respondent / Respondent /
Complainant

2.Santhakumar,
S/o. Dhanaseelan,
residing at 4/61,
Lajapathirai Street,
Paramakudi. ... 2nd Respondent

(R-2 is suo motu impleaded vide Court order dated 31.10.2025 made in CRL RC(MD)Nos.558/2021, 741/2022, 1212/2025 and Crl.A(MD)No.17 of 2018)

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 Cr.P.C., to call for the entire records pertaining to the order passed by the learned District and Sessions Judge, Ramanathapuram, in



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Cr.M.P.No.838 of 2021 in C.A.No.11 of 2021 dated 30.03.2021 whereby stayed the order passed by the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, in D.V.O.P.No.2 of 2017 dated 27.02.2020 with the onerous condition that the petitioner shall deposit $\frac{1}{4}$ of the arrear amount of monthly maintenance and pay the future monthly maintenance amount to the respondent.

For Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.D.Saravanan

CRL RC(MD)No.741 of 2022:

Dhanaseelan ... Petitioner /Appellant / Respondent

Vs.

1.Indhira ... Respondent /Respondent / Petitioner

2.Santhakumar,
S/o. Dhanaseelan,
residing at 4/61,
Lajapathirai Street,
Paramakudi.

... 2nd Respondent

(R-2 is suo motu impleaded vide Court order dated 31.10.2025 made in CRL RC(MD)Nos.558/2021, 741/2022, 1212/2025 and CrI.A(MD)No.17 of 2018)

PRAYER: Criminal Revision Petition is filed under Section 397 r/w 401 Cr.P.C., to call for the records relating to the order passed by the learned Principal District and Sessions Court, Ramanathapuram, dated 31.01.2022 in Criminal Appeal No.11 of 2021 by enhancing the maintenance amount and thus modifying the judgment passed by the learned Judicial Magistrate, Paramakudi, in D.V.No.2 of 2017 dated 27.02.2020 and set aside the same.



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For Petitioner : Mr.N.Dilip Kumar

For Respondent : Mr.D.Saravanan

CRL RC(MD)No.1212 of 2025:

Dhanaseelan ... Petitioner / Respondent /
Respondent

Vs.

1.Indhira ... Respondent / Appellant /
Petitioner

2.Santhakumar,
S/o. Dhanaseelan,
residing at 4/61,
Lajapathirai Street,
Paramakudi. ... 2nd Respondent

*(R-2 is suo motu impleaded vide Court order dated
31.10.2025 made in CRL RC(MD)Nos.558/2021,
741/2022, 1212/2025 and Crl.A(MD)No.17 of 2018)*

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records pertaining to the order in Crl.A.No.19 of 2021 passed by the learned Principal District and Sessions Court, Ramanathapuram, dated 31.01.2022 enhancing the maintenance amount modifying the judgment in D.V.No.2 of 2017 dated 27.02.2020 passed by the learned Judicial Magistrate, Paramakudi, and set aside the same.

For Petitioner : Mr.N. Dilip Kumar



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COMMON JUDGMENT

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CRL A(MD)No.17 of 2018:

Prologue:

Marriage, in the Indian ethos, has long been revered as a sacrament, a sacred bond sanctified by tradition and endurance. But the sanctity of marriage does not lie in one-sided submission or silent suffering. The true essence of that sacrament lies in mutual respect, companionship, and compassion. This case stands as a solemn reminder of the unseen sufferings of women, particularly those of advanced years who have spent their entire lives enduring indignities, humiliation, and deprivation in the name of preserving family honour and marital sanctity.

2. The victim in this case, now an octogenarian, is emblematic of that generation of Indian women who bore persistent mental and emotional cruelty with stoic silence, hoping that endurance was their virtue and tolerance their duty. Such misplaced endurance, often glorified in societal narratives, has emboldened generations of men to exercise control, dominance, and neglect under the garb of patriarchal privilege. It is high time that men in this land unlearn this inherited



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dogma that marriage entitles them to unquestioned authority and begin to understand that the comfort, safety, needs, and dignity of their wives are not secondary duties but core obligations of the marital bond, especially in their twilight years.

3. This Court cannot be a mute spectator to the continuing subjugation of elderly women who, after decades of service, sacrifice, and loyalty, are left to face cruelty and abandonment within their own homes. When the law of the land through Section 498-A IPC extends its protective mantle to women, it does so not merely to punish, but to awaken social conscience. The conviction of an octogenarian husband in this case is not an act of vengeance but an assertion of the principle that age cannot sanctify cruelty, and that no marital bond can justify indignity.

4. Since the factual background, evidence, and issues involved are identical, all the cases are disposed of by this common judgment.

5. This appeal, filed by the victim / *de facto* complainant, assailing the judgment dated 23.08.2017 passed by the learned



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Additional District and Sessions Judge, Fast Track Court, Paramakudi, in Criminal Appeal No.16 of 2016 whereby the conviction and sentence imposed on the 1st Accused by the learned Judicial Magistrate, Paramakudi, in C.C. No.357 of 2007 (judgment dated 18.11.2016) for the offence under Section 498-A IPC were set aside and Accused No.1 was acquitted.

6. The present appeal is entertained in exercise of the victim's statutory right under the proviso to Section 372 Cr.P.C., 1973, read with Section 378 Cr.P.C., 1973. On 11.01.2018, this Court admitted this Criminal Appeal recording that, since special leave to file Criminal Appeal by the victim has already been granted by this Court vide order dated 04.01.2018 in CrI.O.P(MD).No.14157/2017 in CrI.A(MD)SR.No. 30410 of 2017, the appeal stands admitted.

7. On 22.08.2024, when the matter was taken up for hearing, learned counsel for the respondent submitted that CrI.R.C.(MD)No.558 of 2021 and 741 of 2022 are pending before this Court and proposed to refer this Criminal Appeal to the Mediation Centre for settlement along with CrI.R.C.(MD)No.558 of 2021 and 741 of 2022. This Court directed



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to forward all the three matters to mediation centre after getting orders from the Hon' ble Administrative Judge, by order dated 03.09.2024. The Hobbble Administrative Judge, by order dated 26.09.2024, clubbed all the above three matters together and forwarded to the Court dealing with Roster of Crl.RC.(MD) for all the years. Further by order dated 28.10.2024, the matter was referred to the mediation centre. However mediation failed and all the three cases were directed to be posted before the regular bench for further hearing on 26.11.2024. However, the same was not listed on that day and the matter came up for hearing before me on 05.06.2025

8. The learned Trial Court found Accused No.1 guilty under Section 498-A IPC and sentenced him to six months Simple Imprisonment and a fine of Rs.5,000/- (Rupees Five Thousand only), in default one month Simple Imprisonment. Accused No.1 was found not guilty under Section 506(ii) IPC. Accused No.2 and Accused No.3 were found not guilty of offences under Sections 498-A and 506(ii) read with Section 109 IPC and were acquitted under Section 248(1) Cr.P.C., 1973.

9. The learned First Appellate Court (Crl.A. No.16 of 2016) allowed



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Accused No.1's appeal, *inter alia* holding that the prosecution failed to establish cruelty within the meaning of Section 498-A IPC, that there was no corroboration for P.W.1, that other witnesses were hearsay, and that the alleged extra-marital affair would not, by itself, constitute "cruelty" under Section 498-A. The acquittal of Accused No.2 and Accused No.3 was not disturbed.

10. The present appellant (P.W.1/Indira) challenges the reversal of Accused No.1's conviction *inter alia* on grounds of misappreciation of evidence, misapplication of law on hearsay and on Section 498-A, ignoring binding precedents, overlooking proven acts of mental and economic cruelty, and factual misreading.

Case of the Prosecution and Procedural History:

11. P.W.1 (wife/appellant) and Accused No.1 (husband), Accused No.2 (son), and Accused No.3 (daughter-in-law) lived as a joint family at Lajapathirai/Rajapathiram Street, Paramakudi. It was alleged that Accused No.1 developed an illicit relationship within the family; when P.W.1 protested, Accused No.1 assaulted and harassed her, threatened to falsely implicate her and obtain divorce; cut down flower-bearing



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plants used for pooja, threw deity pictures, prevented phone access and attendance at family functions, and denied food and maintenance, causing mental and physical cruelty. For six months he compelled her to bring money from her brother; on 16.02.2007 she was isolated by construction of a separate kitchen. On 20.02.2007 at about 10.00 p.m., Accused No.1 allegedly advanced with a knife to stab her; she escaped by locking herself in a room; Accused No.3 allegedly threatened to poison her food. Accused No.2 and Accused No.3 allegedly abetted Accused No.1.

12. On 26.02.2007, P.W.1 lodged a complaint (Ex.P1); pursuant to directions of this Court, an FIR (Ex.P2) was registered on 20.06.2007 under Sections 498-A and 506(i) IPC against Accused No.1 to Accused No.3. During investigation, P.Ws.1 to 5 were examined; Accused No.1 to Accused No.3 had anticipatory bail. On 31.07.2007, after opinion of Government Advocate, final report was filed charging Accused No.1 under Sections 498-A and 506(ii) IPC and Accused No.2 & Accused No.3 under Sections 498-A, 506(ii) r/w 109 IPC. P.Ws.1 to 6 were examined; Ex.P1 and Ex.P2 were marked. In Section 313(1)(b) Cr.P.C., 1973, examination, the accused denied the incriminating circumstances and said they would examine defence witnesses, but none was examined.



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13. P.W.1 deposed to continuous cruelty, denial of food and access, desecration of religious articles, isolation in a separate kitchen (16.02.2007), the knife incident (20.02.2007) and Accused No.3's poison threat; property-related misconduct and coercion to bring money; obtaining signatures on blank papers; and a compromise at the All Women Police Station which was allegedly not honoured. P.W.2 (family friend), P.W.3 (brother), P.W.4 (neighbour/financier), and P.W.5 (family friend) each testified to what P.W.1 told them, and to surrounding circumstances including property-related disputes, return of part of the jewels (22-25 sovereigns), and the mediation/compromise terms recorded by the police. P.W.6 (Investigating Officer) proved receipt of the complaint, the compromise terms (Rs.2,000/- per month to P.W.1, control of household to P.W.1, permission to use phone and provision of a cellphone, and assurance of no trouble), and the subsequent registration and filing of final report.

14. In cross-examination, P.W.1 admitted long years of marriage since 1965, age details (hers 67; Accused No.1's 78 at the time of trial), Accused No.1's cardiac illness/heart attack decades earlier with treatment, joint business with P.W.3 and Accused No.1, civil disputes concerning properties, and that she would withdraw the case if her



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rightful share of properties were given. P.W.3 spoke to the joint business, pledging of jewels by P.W.1, sale of machinery, disputes over proceeds, and civil transactions. P.W.4 and P.W.5 corroborated circumstances of domestic discord intertwined with property/finance. P.W.6 confirmed the compromise and absence of medical certificate to prove Accused No.1's "fitness" for sexual relationship.

15. The learned Trial Court, on appreciation, held that (i) the knife-threat and poison-threat were not proved beyond reasonable doubt (no corroboration by other P.Ws.); (ii) abettment by Accused No.2 & Accused No.3 was not established; but (iii) Accused No.1's conduct isolation, denial of food, obstruction of worship and communication, coercion to fetch money, and the compromise terms proved mental cruelty within Section 498-A IPC, and convicted Accused No.1; Accused No.2 & Accused No.3 were acquitted.

16. The learned First Appellate Court reversed Accused No.1's conviction primarily on (a) absence of independent eyewitnesses, (b) hearsay nature of P.Ws.2-5, (c) no seizure of material objects (knife/deity pictures), (d) no dowry demand and hence, in its view,



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Section 498-A not attracted, and (e) mere illicit relationship not constituting cruelty *per se*.

17. Points for Determination:

(i) Whether the learned First Appellate Court's acquittal of Accused No.1 suffers from perversity, misdirection in law, or non-consideration of material evidence, warranting interference in an appeal against acquittal?

(ii) Whether, on the evidence recorded by the learned Trial Court, the ingredients of Section 498-A IPC (particularly "cruelty" within Explanation (a) and/or (b)) stood established against Accused No.1?

(iii) Whether the findings of not guilty as regards Section 506(ii) IPC against Accused No.1 and as regards Accused No.2 & Accused No.3 (Sections 498-A, 506(ii) r/w 109 IPC) require interference?

(iv) If conviction under Section 498-A IPC is restored, what sentence ought to be imposed?



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Submissions:

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18. Submissions on behalf of the Appellant (Victim/De facto Complainant):

The learned counsel for the appellant contended that the learned First Appellate Court erred in reversing a well-reasoned conviction rendered by the learned Trial Court after due appreciation of oral and documentary evidence. It was argued that the learned Appellate Court misdirected itself in law by insisting on independent eyewitnesses in a domestic cruelty case, where such expectation is unrealistic. The testimony of P.W.1, the victim herself, was consistent, cogent, and corroborated by circumstances and by P.Ws.2 to 5, who spoke about the mediation, return of jewels, and conduct of A1.

19. The learned counsel further submitted that the learned Trial Court correctly applied Explanation (a) to Section 498-A IPC, as the acts of the Accused No.1 such as denial of food, prevention of religious practices, coercion to bring money, desecration of pooja articles, isolation in a separate kitchen, and control of financial resources constituted mental cruelty of a grave nature. The learned First Appellate Court, in ignoring these proved acts, treated the absence of dowry



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demand as decisive, which is contrary to settled law that demand of dowry is not a *sine qua non* for cruelty under Explanation (a).

20. It was also contended that the so-called compromise before the All Women Police Station itself evidences the acknowledgment by Accused No.1 of prior deprivation and harassment. The terms payment of Rs.2,000/- (Rupees Two Thousand only) per month, restoring household control to P.W.1, and allowing communication access confirm the truth of P.W.1's allegations. The appellant's counsel emphasized that the reversal of conviction was based on misreading of evidence, overlooking of material facts, and an erroneous understanding of Section 498-A IPC, thereby warranting interference even in an appeal against acquittal.

21. Lastly, the learned counsel submitted that the learned Trial Court had already taken a lenient view in sentencing, considering the age and health of Accused No.1, and hence, on restoration of conviction, the sentence as imposed may be affirmed.



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22. *Submissions on behalf of the respondent (Accused):*

Per contra, the learned counsel for the respondent submitted that the learned First Appellate Court rightly appreciated the inconsistencies in the prosecution case and recorded a well-founded acquittal. It was argued that P.Ws.2 to 5 are only hearsay witnesses, and their depositions being based on what they were told by P.W.1 cannot legally sustain conviction. The absence of contemporaneous medical evidence, seizure of material objects, or any proof of physical injury or assault further weakens the prosecution version.

23. It was also contended that there existed long-standing civil disputes between the spouses and their relatives concerning business and property matters, and the complaint was lodged only after such disputes escalated, rendering the criminal proceedings motivated by collateral considerations. The respondent's counsel submitted that the learned Trial Court itself disbelieved the allegations of knife-threat and poison-threat, which were the most serious charges, and therefore, having found those not proved, the residual allegations cannot amount to "cruelty" within Section 498-A.



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24. The learned counsel urged that the learned First Appellate Court's finding was a possible and reasonable view on the evidence and, as such, should not be disturbed in an appeal against acquittal, where the presumption of innocence stands reinforced. Lastly, it was urged that Accused No.1 is an octogenarian suffering from cardiac illness, that the parties have been living separately for decades, and that no fruitful purpose would be served by re-imposing sentence after so many years. Therefore, the challenge to the lower appellate order lacks merit and deserves to be dismissed in *limine*.

25. Governing Legal Principles:

The Hon'ble Supreme Court in ***Chandrappa v. State of Karnataka*¹** and ***Ghurey Lal v. State of U.P.*²** reiterated the scope of interference in appeal against acquittal: "While a High Court may re-appreciate evidence, an acquittal strengthens the presumption of innocence; interference is warranted when the view taken is manifestly unreasonable, perverse, or suffers from ignoring material evidence or misapplication of law."

¹ (2007) 4 SCC 415

² (2008) 10 SCC 450



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26. It is pertinent to extract Section 498-A IPC hereunder:

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Section 498-A: Husband or relative of husband of a woman subjecting her to cruelty.

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty means"—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

26.1. The Explanation (a) covers wilful conduct likely to cause grave injury or danger to life, limb or health (mental or physical).



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The Explanation (b) covers harassment with a view to coercing the woman or her relatives to meet unlawful demand for property/valuable security or on account of failure to meet such demand.

Demand of dowry is not a *sine qua non* for every prosecution under Section 498-A; wilful conduct causing grave mental injury suffices under Explanation (a).

27. **Hearsay and domestic offences:** While hearsay, strictly, is inadmissible to prove the truth of the matter asserted, Courts have recognised that domestic cruelty often occurs within the privacy of the matrimonial home; thus, as per the settled principle laid down by the Hon'ble Supreme Court in **State of H.P. v. Raghubir Singh**³ (i) the victim's sole testimony may lawfully found a conviction if credible and confidence-inspiring; (ii) surrounding admissions/compromise terms, conduct, and consistent narrations to close relations may furnish assurance to the core version, even if such relations are not "independent" in a rigid sense. The Hon'ble Supreme Court in the case of the **Kalyan Kumar Gogoi V Ashutosh Agnihotri and Another**⁴, held that "The cautionary rule against hearsay co-exists with the

³ 1993 (2) SCC 622)

⁴ AIR 2011 SC 760



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recognition that corroboration is a rule of prudence, not of law, in appropriate fact situations.”

28. **Illicit/extra-marital relationship:** Mere proof of an illicit relationship, by itself, may not automatically satisfy Section 498-A, unless the conduct attendant thereto inflicts grave mental/physical injury or falls within Explanation (b). However, when such relationship is coupled with acts of isolation, humiliation, denial of basic needs, coercion for money, and sustained harassment, the aggregate conduct may squarely fall within Explanation (a) (mental cruelty).

29. **Victim's dignity and single-witness rule:** The Supreme Court in **Raghubir Singh**⁵ and other such cases has consistently held that evidence is to be weighed, not counted; conviction can rest on the sole testimony of the prosecutrix/victim, if reliable and trustworthy; and Courts must be sensitised to dignity and safety of women.

⁵ Supra 3



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Analysis:

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**30. The learned First Appellate Court's approach -
misdirection in law:**

30.1. The learned Appellate Court treated absence of independent eyewitnesses as fatal and discarded P.Ws.2-5 as hearsay, effectively demanding corroboration as a rule of law. This is a misdirection. The learned Trial Court had correctly appreciated that domestic cruelty rarely has independent eyewitnesses; the consistent accounts of P.Ws. 2-5 with respect to P.W.1's narrations and surrounding circumstances- compromise terms, jewel return, financial disputes, isolation, were considered for assurance to P.W.1's credible core, not as substantive proof of the facts narrated by them. The learned Appellate Court's blanket rejection ignored this nuance and over-stated the hearsay rule, contrary to the Hon'ble Supreme Court's guidance that credible sole testimony of the victim may suffice.

30.2. Next, the learned Appellate Court erroneously assumed that absence of dowry demand forecloses Section 498-A. As noted, Explanation (a) is not tethered to dowry; wilful conduct causing grave mental injury is independently sufficient. The learned Trial Court did



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not convict on “dowry harassment” but on sustained mental cruelty, isolation (separate kitchen), denial of food/maintenance, desecration of religious objects, blocking communication and social participation, coercion to fetch money, and the police-recorded compromise terms acknowledging these very issues. The learned Appellate Court’s focus on “no dowry demand/no seizure” sidestepped the real gravamen.

30.3. The learned Appellate Court’s observation that “mere illicit relationship” is insufficient is legally sound in abstraction, but misapplied to the facts. The learned Trial Court did not convict Accused No.1 for the affair *per se*; it evaluated the totality of conduct that inflicted ongoing mental cruelty. The learned Appellate Court, by isolating the affair and ignoring the other proved facets, arrived at a distorted overall picture.

30.4. On the knife incident dated 20.02.2007 as elaborated supra in Para 7 and Accused No.3’s poison threat, the learned Trial Court found want of corroboration and extended benefit of doubt. Hence, acquittal under Section 506(ii) IPC and of Accused No.2/Accused No.3 is justified. The learned Appellate Court’s criticism about non-seizure of



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knife and lack of MOs might be relevant to 506(ii), but it does not erode the independent foundation for 498-A premised on sustained mental cruelty corroborated by conduct and the police-recorded compromise.

30.5. The compromise recorded by P.W.6 that Accused No.1 would (i) hand over household management to P.W.1, (ii) pay Rs.2,000 per month for her personal expenses, (iii) allow phone access and provide a cellphone, and (iv) ensure no further trouble, objectively affirms that P.W.1 had indeed been subjected to deprivation, isolation and harassment. The appellate court failed to accord due evidentiary weight to this contemporaneous conduct-admission.

30.6. The learned Appellate Court also read the record inaccurately for instance, the son's status, which, while not decisive alone, reflects insufficient engagement with the material especially when reversing a reasoned conviction rendered after observing the witnesses. In sum, the learned First Appellate Court's view ignores material evidence, misapplies the law on Section 498-A and evidentiary appraisal in domestic offences, and is, therefore, perverse in the limited sense warranting interference even in an appeal against acquittal.



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31. **Whether Section 498-A IPC is made out against Accused**

No.1:

31.1. **Wilful conduct:** persistent isolation (separate kitchen from 16.02.2007), denial of food/maintenance, obstruction of worship (cutting flower plants, throwing deity pictures), blocking access to communication and social functions, coercion to bring money for months, and control over income-yielding properties/jewels with partial return after police mediation.

31.2. **Grave mental injury:** Cumulatively, these acts, directed at a spouse of advanced years, erode dignity and autonomy, and are reasonably likely to cause grave mental injury, squarely attracting Explanation (a) to Section 498-A. The police compromise terms corroborate the existence and nature of the deprivation.

31.3. **Corroborative milieu:** P.Ws.2 to 5, though not eyewitnesses to every act, consistently rely P.W.1's account and the surrounding events (return of some jewels; mediation; property/finance disputes) that buttress the core narrative. The defence chose not to examine any witness or produce documents, to dislodge these features.



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No suggestion was even put to P.W.1 that the cruelty allegations were false, a telling omission.

31.4. The learned Trial Court's conclusion that Accused No.1 is guilty under Section 498-A IPC is therefore sound and calls for restoration.

32. Section 506(ii) against Accused No.1; charges against Accused No.2 & Accused No.3:

The learned Trial Court extended benefit of doubt on 506(ii) IPC against Accused No.1 in the absence of corroboration by other P.Ws. The record before this Court, as preserved, does not provide additional substantive material to overturn that view. Likewise, as to Accused No.2 and Accused No.3, P.W.1 did not attribute specific acts of ill-treatment/abetment to Accused No.2 either in Ex.P1 or in Court; and as regards Accused No.3, the alleged poison threat lacks corroboration by other P.Ws. Hence, the acquittals of Accused No.1 under Section 506(ii) IPC and of Accused No.2 & Accused No.3 do not warrant interference.



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33. Sentence:

The learned Trial Court imposed six months Simple Imprisonment and Rs.5,000/- (Rupees Five Thousand only) fine under Section 498-A IPC, considering Accused No.1's advanced age and health yet recognising the gravity and duration of the cruelty. The appellant has rightly urged that age/health is not a defence to the offence. On balance, the sentence awarded is measured and just; it warrants affirmation. No special reason is made out for reduction or enhancement in the facts preserved for this appeal.

34. In fine, it is the considered opinion of this Court that, the first learned Appellate Court's acquittal of Accused No.1 is vitiated by misdirection in law and non-consideration of material evidence and is unsustainable. I have no hesitation to hold that Accused No.1 is guilty under Section 498-A IPC, for the simple reason that on the evidence recorded by the learned Trial Court, the ingredients of Section 498-A IPC has been clearly established against the Accused No.1. The nature of emotional and economic abuse inflicted on the *defacto* complainant, compelling her to pursue several cases endlessly without giving quietus to the dispute for nearly 18 years since 16.02.2007, the date on which she was subjected to isolation would amount to "cruelty" warranting



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conviction.

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35. Needless to state that, the acquittal of Accused No.1 under Section 506(ii) IPC and the acquittals of Accused No.2 & Accused No.3 (Sections 498-A and 506(ii) r/w 109 IPC) stand confirmed.

36. The sentence imposed by the learned Trial Court on Accused No.1 six months Simple Imprisonment and a fine of Rs.5,000/- (Rupees Five Thousand only), in default one month Simple Imprisonment is restored and affirmed.

37. Accordingly, the judgment dated 23.08.2017 in CrI.A. No.16 of 2016 passed by the learned Additional District and Sessions Judge, Fast Track Court, Paramakudi, acquitting Accused No.1, is set aside. The judgment dated 18.11.2016 of the learned Judicial Magistrate, Paramakudi, in C.C. No.357 of 2007, convicting Accused No.1 under Section 498-A IPC and sentencing him to six months Simple Imprisonment with a fine of Rs.5,000/- (Rupees Five Thousand only) i/d one month SI, is restored.



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38. Accused No.1 shall surrender before the learned Trial Court forthwith to undergo the sentence. The learned Trial Court shall secure Accused No.1 to serve the sentence, if he does not surrender, and take steps in accordance with law. Any amount already deposited towards fine shall be given due credit. Set-off under Section 428 Cr.P.C., 1973, if applicable, is ordered.

Epilogue:

39. This Court reiterates that Section 498-A addresses both economic and emotional subjugation. Isolation, deprivation of basic necessities, humiliation of faith, enforced dependence, and coercion to mobilise money are not mere “domestic discord”; they are actionable cruelty when they cross the threshold of grave mental injury. While courts remain cautious of over-criminalisation of familial disputes, equally, the invisibility of domestic cruelty cannot be allowed to cloak impunity.

40. The message that emanates from this judgment must resonate beyond the confines of the courtroom: that the endurance of women, particularly elderly wives, should no longer be mistaken for



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consent, nor their silence for acceptance. The Indian marriage system, while rooted in noble ideals, must evolve from the shadow of male chauvinism into the light of equality and mutual respect.

41. Protecting octogenarian women who have lived entire lifetimes within oppressive domestic environments is not merely an act of legal redress, but a reaffirmation of the constitutional promise of dignity under Article 21. It is a tribute to those women who, despite their frailty, stand before the Courts seeking not revenge, but recognition of their suffering and restoration of their dignity.

42. This Court, therefore, views the conviction of the accused not through the lens of age, but through the prism of accountability. Cruelty, when persistent and deliberate, corrodes the very sanctity of marriage. The law must intervene, not to dismantle the institution, but to purify it of its inequities. Let this judgment serve as a quiet but firm reminder that respect within marriage is ageless, and that protection of dignity especially of elderly women is the truest reflection of a civilized society.

43. The Criminal Appeal is allowed in the above terms. No costs.



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CRL RC(MD)Nos.558 of 2021, 748 of 2022 and 1212 of 2025:

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44. All three Criminal Revision Cases arise from the common order passed by the learned Principal District and Sessions Judge, Ramanathapuram, in C.A. Nos. 11 of 2021 and 19 of 2021 dated 31.01.2022, confirming in part and modifying in part the order passed by the learned Judicial Magistrate, Paramakudi, in D.V.O.P. No.2 of 2017 dated 27.02.2020.

Factual Background:

45. The revision petitioner and the respondent in all the cases are senior citizens who are husband and wife respectively. The Criminal Revision Case in Crl.R.C.(MD)No.558 of 2021 has been filed by the husband against the order passed by the learned District and Sessions Judge, Ramanathapuram in Crl.M.P.No.838 of 2021 in C.A.No.11 of 2021 dated 30.03.2021, in which the order passed by the learned Judicial Magistrate, Paramakudi, Ramanathapuram, in D.V.O.P.No.2 of 2017 dated 27.02.2020, was stayed.

46. The Criminal Revision Case in Crl.R.C.(MD)No.741 of 2022 has been filed by the husband against the order passed by the learned District and Sessions Judge, Ramanathapuram in C.A.No.11 of 2021



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dated 31.01.2022, in modifying the order passed by the learned Judicial Magistrate, Paramakudi, Ramanathapuram, in D.V.O.P.No.2 of 2017 dated 27.02.2020.

47. The Criminal Revision Case in CrI.R.C.(MD)No.1212 of 2025 has been filed by the husband against the order passed by the learned District and Sessions Judge, Ramanathapuram in C.A.No.19 of 2021 dated 31.01.2022, in modifying the order passed by the learned Judicial Magistrate, Paramakudi, Ramanathapuram, in D.V.O.P.No.2 of 2017 dated 27.02.2020.

48. For the sake of convenience the parties are mentioned as per their ranking before the learned Trial Court in D.V.O.P.No.2 of 2017.

49. The marriage between the 1st respondent/husband Dhanaseelan and the petitioner/wife Indira took place on 03.05.1965, and two sons were born to them Saravanan (deceased in 2002 due to cerebral fever) and Santhakumar (the surviving son).



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50. According to the wife, while they lived as a joint family with their younger son and daughter-in-law who are the respondents 2 and 3 before the learned Trial Court, the husband developed an illicit relationship with his daughter-in-law, the third respondent, and thereafter neglected and abandoned the wife. When she questioned such immoral conduct, she was allegedly beaten, kicked, and stamped by the husband, thereby subjecting her to acute domestic violence.

51. On 20.02.2007, at about 10.00 p.m., he allegedly pushed her down, causing a hip fracture. A complaint lodged at the All Women Police Station, Paramakudi, was registered as Crime No.11 of 2007 and taken on file as C.C. No.357 of 2007. The petitioner wife claimed that the husband retained 30 sovereigns of her jewellery, deprived her of income from joint properties, and left her destitute though he earned more than Rs.1,00,000/- (Rupees One Lakh only) per month from his lodge “Hotel Guru” and several rental holdings. She, therefore, sought relief under Section 12 of the Protection of Women from Domestic Violence Act, 2005, seeking Rs.20,000/- (Rupees Twenty Thousand only) per month as maintenance, return of jewellery, residence and protection orders, and injunction restraining alienation of properties.



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52. *Proceedings before the learned Magistrate:*

Despite repeated opportunities, the respondents did not file a counter. The learned Magistrate, upon examining the pleadings and evidence, held that the wife had been living separately for more than ten years in the house at Lajapathirai Street, valued at Rs.50,00,000/- (Rupees Fifty Lakhs only) and not under threat or interference from the respondents. The alleged illicit relationship remained unsubstantiated. The claim for return of 30 sovereigns lacked proof, especially when 20 sovereigns were already recovered through police intervention, and the civil partition suit (O.S. No.100/2017) was pending regarding the same properties, hence injunction was not maintainable. However, considering the wife's advanced age and partial livelihood, the Court awarded Rs.11,000/- (Rupees Eleven Thousand only) per month as maintenance in modification of the earlier interim maintenance of Rs. 3,000/- (Rupees Three Thousand only) per month (2008). All other reliefs were dismissed.

53. *Appeals before the learned First Appellate Court:*

The husband filed C.A. No.11 of 2021 challenging the grant of maintenance. The wife filed C.A. No.19 of 2021 seeking enhancement



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and protection reliefs. After detailed consideration, the learned Appellate Court found that the husband owned a lodge with 26 rooms, 9 shops, and agricultural holdings, and that the family's economic position was sound. While concurring with the learned Trial Court on rejection of protection and injunction reliefs, the learned Appellate Court enhanced the monthly maintenance to Rs.20,000/- (Rupees Twenty Thousand only) from the date of petition. Thus, C.A. No.11 of 2021 filed by the husband, was dismissed. C.A. No.19 of 2021 filed by the wife, was partly allowed, modifying maintenance to Rs.20,000/- (Rupees Twenty Thousand only) per month.

54. *Grounds in Revision:*

Aggrieved thereby, the husband has filed the present Criminal Revision Cases raising, *inter alia*, the following grounds:

54.1. *Lack of "Aggrieved Person" Status:*

The respondent, having been found independent and living separately without proof of domestic violence, cannot claim maintenance under Section 20 of the Act.



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54.2. **Bar of Limitation:**

The wife left the matrimonial home in 2007 but filed D.V.O.P. only in 2017, without showing any continuing cause of action, attracting Section 468 Cr.P.C., 1973.

54.3. **Absence of Domestic Violence:**

When no act of domestic violence is proved, maintenance under the D.V. Act is unsustainable.

54.4. **Voluntary Desertion:**

The respondent voluntarily left the matrimonial home and cannot claim economic abuse.

54.5. **Vexatious Litigation:**

She has filed multiple civil and criminal proceedings based on false allegations of illicit relationship, amounting to abuse of process.

54.6. **Financial Inability:**

The petitioner is an octogenarian without income, dependent on his son, having already settled his properties.

54.7. **Excessive Quantum:**

Rs.20,000/- (Rupees Twenty Thousand only) per month is



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disproportionate to his means.

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54.8. Lack of Evidence:

The award is based solely on oral assertions, unsupported by documents.

55. Advocate Commissioner's Report (Dated 26.08.2025):

This Court appointed Ms. Meenakshi A.N., Advocate Commissioner vide order dated 29.07.2025, to verify the income and status of properties. Her exhaustive report reveals the following:

55.1. Properties Inspected:

Guru Lodge, Gandhiji Street, Paramakudi - 3 floors, 25 rooms, owned by son Santhakumar.

Gross Rent: Rs.60,600/month.

Rent register inconsistent; managed by son.

Shops beneath Lodge - 9 shops, rent Rs.47,000/month.

Matrimonial House - Door No.4/61, Lajapathirai Street, Paramakudi (in husband's name). Wife presently resides here.

Flats at Mathichayam, Madurai - one leased for Rs.7,50,000 (Rs.



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31,250/month equivalent).

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55.2. Financial Summary:

Particulars	Amount (Rs/month)
Gross Income	1,38,850
Expenses (tax, electricity, license, etc.)	28,178
Net Income	Rs.1,10,000

55.3. Wife's Position:

Sold ancestral lands for Rs.13.3 lakhs (Jan–Feb 2025). Medical and living expenses Rs.30,000/month. Dependent on brother; no regular income.

55.4. Equitable Assessment:

Properties are ancestral, not self-acquired. Husband's share: 3/8, Wife: 3/8, Son: 2/8. Husband enjoys steady income stream; wife, aged and infirm, has negligible support. The Commissioner concluded that the husband's net monthly income exceeds Rs.1,10,000/- (Rupees One



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Lakh and Ten Thousand only) and that the wife's dependency and medical vulnerability justify reasonable maintenance.

56. *Points for Determination:*

(i) Whether the respondent/wife qualifies as an “aggrieved person” under Section 2(a) of the Protection of Women from Domestic Violence Act, 2005?

(ii) Whether the proceedings are barred by limitation?

(iii) Whether maintenance of Rs.20,000/month awarded by the learned Appellate Court is excessive or requires interference?

(iv) Whether any ground exists warranting interference under Section 397/401 Cr.P.C.?

Analysis:

57. Heard the counsels, Mr.D.Saravanan for the Wife, Mr.N.Dilip Kumar for the Husband who reiterated the grounds raised in the Criminal Revision cases and carefully perused the materials available on record.



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58. Aggrieved Person Status:

The term “aggrieved person” includes a woman who has been or is being subjected to domestic violence. The Hon'ble Supreme Court in the case of **Krishna Bhattacharjee v. Sarathi Choudhury**⁶ has made it clear that, the expression “aggrieved person” is wide enough to include continuing economic abuse or neglect even after physical separation. The wife’s consistent narrative of neglect, deprivation of marital consortium, and denial of maintenance constitutes economic abuse under Section 3 of the Act. Hence, her status as an “aggrieved person” is sustained.

59. Limitation:

The concept of “continuing offence” applies to deprivation of maintenance. Non-maintenance is a recurring wrong giving rise to a continuing cause of action. Therefore, the plea of limitation is untenable.

60. Absence of Domestic Violence:

Though physical assault of 2007 stands uncorroborated, the

⁶ (2016) 2 SCC 705



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continuous denial of sustenance, withdrawal of financial support, and ouster from shared household together constitute “economic and emotional abuse.” The Hon'ble Supreme Court in **Indra Sarma v. V.K.V. Sarma**⁷ has reiterated that, the object of the Act is preventive and remedial, not punitive. The Trial and Appellate Courts findings are therefore sound.

61. Quantum of Maintenance:

61.1. The Advocate Commissioner's report, which this Court finds well-reasoned and impartial, establishes a steady income of Rs. 1,10,000/- (Rupees One Lakh and Ten Thousand only) per month from the husband's properties. Considering the husband's age (86 years), his family support obligations, and medical expenses, and the wife's (age 78 years) own medical vulnerabilities, the maintenance of Rs.20,000/- (Rupees Twenty Thousand only) per month less than 20% of his income and the same cannot be said to be excessive.

61.2. The Hon'ble Supreme Court in **Rajnish v. Neha**⁸ has

⁷ (2013) 15 SCC 755

⁸ (2021) 2 SCC 324



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emphasized that maintenance must be realistic, not minimal, ensuring a dignified life consistent with the standard enjoyed during matrimony.

The Appellate Court's assessment aligns with that principle.

62. *Financial Inability and Property Settlement:*

The husband's plea of inability is unconvincing. Even though properties were settled in his son's name in 2007, the Commissioner's inspection shows that the income-earning properties continue under family control, managed jointly. The benefit of such income cannot be disowned selectively to defeat maintenance obligations.

63. This Court deems it appropriate to undertake a comparative assessment of the learned Trial Court, Appellate Court, and Commissioner's findings to ensure judicial consistency and evidentiary coherence, which is as follows:

63.1. *On proof of domestic violence:*

The learned Trial Court rightly observed that the allegations of physical assault and illicit relationship were unsubstantiated due to lack of corroboration. However, it acknowledged the petitioner's



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economic vulnerability and age as warranting partial relief. The learned Appellate Court, while agreeing that no direct evidence of physical cruelty existed, expanded the interpretation of “domestic violence” to include economic neglect and emotional deprivation, harmonizing with **Krishna Bhattacharjee**⁹. The Commissioner’s report later substantiated the financial neglect, showing that the husband enjoyed a regular income while the wife lived without adequate support. This triangulated assessment confirms that the finding of “economic and emotional abuse” was factually justified.

63.2. On financial capacity:

The learned Trial Court awarded only Rs.11,000/- (Rupees Eleven Thousand only) per month, assuming limited income and advanced age. However, no documentary proof of the husband’s financial incapacity was produced. The learned Appellate Court corrected this by examining the ownership of commercial assets and income flow, concluding that Rs.11,000/- (Rupees Eleven Thousand only) was disproportionately low. The Commissioner’s report provided independent verification, confirming a gross monthly income of Rs.1,38,000/- (Rupees One Lakhs and Thirty Eight Thousand only) and net earnings of Rs.

⁹ Supra 6



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1,10,000/- (Rupees One Lakh and Ten Thousand only), thereby lending empirical support to the learned Appellate Court's conclusion. Hence, the enhanced maintenance of Rs.20,000/- (Rupees Twenty Thousand only) per month is not only equitable but also evidence-based.

63.3. *On residence and protection reliefs:*

Both the lower Courts, uniformly found that the wife resided independently in a house, valued at Rs.50,00,000/- (Rupees Fifty Lakhs only), without interference. The learned Trial and Appellate Courts were consistent in denying residence orders, correctly applying the ratio in **S.R. Batra v. Taruna Batra**¹⁰ that the right to residence does not extend to self-acquired property of relatives when the aggrieved person has alternate accommodation.

63.4. *On Property injunction and jewellery:*

I don't find any perversity in the decision of the learned Trial and Appellate Courts refusing to grant injunction or recovery of jewels due to the pendency of civil partition proceedings in O.S. No.100/2017.

¹⁰ [(2007) 3 SCC 169]



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63.5. On legal and equitable balancing:

The cumulative reasoning of all three layers Trial, Appellate, and Commissioner inquiry, reflects a coherent progression of judicial logic. The learned Trial Court granted modest relief based on partial proof. The learned Appellate Court enhanced it upon broader equity and presumptive financial capacity. The Commissioner's data-driven report validated both the economic means of the husband and the dependency of the wife. This harmony across fact-finding, appellate scrutiny, and investigative verification negates any claim of perversity or overreach.

63.6. On judicial principles applied:

The learned Appellate Court's approach aligns with settled principles under:

(i) **Rajnesh v. Neha**¹¹ – Maintenance must be need-based and realistic.

(ii) **V.D. Bhanot v. Savita Bhanot**¹² - Past domestic violence and continuing neglect fall within Section 12 of D.V. Act, 2005.

¹¹ Supra 8

¹² (2012) 3 SCC 183



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(iii) **Krishna Bhattacharjee v. Sarathi Choudhury**¹³ – Economic deprivation is a continuing offence.

(iv) **Indra Sarma v. V.K.V. Sarma**¹⁴ - D.V. Act, 2005, to be construed liberally to protect vulnerable women.

Thus, this Court finds that both Subordinate Courts adhered to the correct interpretative parameters.

63.7. On overall equitable justice:

While the husband's advanced age and health are mitigating factors, his financial stability and continuing control over income-bearing assets outweigh such pleas. Conversely, the wife's dependency, ill-health, and lack of independent income justify the enhanced maintenance. The balance of convenience, equity, and legal principle all converge to sustain the appellate order.

63.8. In the given circumstances, I am of the considered view that, the respondent/wife is an "aggrieved person" within the meaning of Section 2(a) of the Act. The petition is not barred by limitation, the

¹³ Supra 6

¹⁴ Supra 7



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neglect being a continuing cause. The plea of voluntary desertion is unsustainable in the absence of proof. The maintenance fixed by the learned Appellate Court is reasonable and commensurate with the petitioner's means. No perversity or miscarriage of justice is demonstrated warranting interference under Sections 397 and 401 Cr.P.C., 1973. Though the son of the petitioner husband and the respondent wife, namely, Santhakumar, S/o. Dhanaseelan, residing at 4/61, Lajapathirai Street, Paramakudi, was impleaded as 2nd respondent before the learned Trial Court in D.V.O.P.No.2 of 2017, he is not a party to these revision petitions. Hence, Santhakumar, S/o. Dhanaseelan, residing at 4/61, Lajapathirai Street, Paramakudi, is *suo-motu* impleaded as the 2nd respondent in all these three Criminal Revision cases. Registry is directed to carry out the necessary amendments in the cause title.

64. In the result, CrI.R.C.(MD) No.558 of 2021 , CrI.R.C.(MD) No. 741 of 2022 and CrI.R.C.(MD)No.1212 of 2025 stand dismissed. No costs.

65. The common judgment of the learned Principal District and



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Sessions Judge, Ramanathapuram, dated 31.01.2022 in C.A. Nos.11 and 19 of 2021 is confirmed, but modified as under: The petitioner/husband and the 2nd respondent son, shall continue to pay a monthly maintenance of Rs.20,000/- (Rupees Twenty Thousand only) to the respondent/wife on or before the 5th of every succeeding month, through the jurisdictional Magistrate. Any arrears shall be cleared within three months from the date of receipt of copy of this order.

66. Calculation of arrears shall be made from the date of petition in D.V.O.P.No.2 of 2017 on the file of the learned Judicial Magistrate, Paramakudi. The report of the Advocate Commissioner Ms. Meenakshi A.N. dated 26.08.2025 shall form part of the record. This Court places a mark of appreciation for the meticulous and elaborate report of the Advocate Commissioner Ms. Meenakshi A.N. No costs. Consequently, connected miscellaneous petitions are closed.

31.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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To

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- 1.The Additional District Sessions /
Fast Track Court at Paramakudi.
- 2.The District and Sessions Judge,
Ramanathapuram.
- 3.The Judicial Magistrate,
Paramakudi.
- 4.The Inspector of Police,
All Women Police Station,
Paramakudi, Ramnad – District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

Sml

CRL A(MD)No.17 of 2018
and
CRL RC(MD)Nos.558 of 2021, 741 of 2022 and
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31.10.2025