

CrL.R.C.(MD)No.947 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.947 of 2025

Muthurakku

... Petitioner

-VS-

State Rep. by,
The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
(Crime No.236 of 2024)

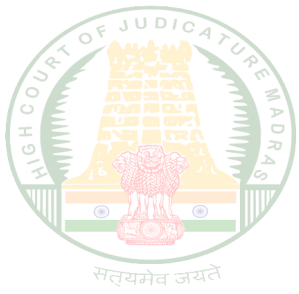
... Respondent

PRAYER : Criminal Revision Case filed under Section 438 r/w. 442 of BNSS, 2023, to call for the records pertaining to the impugned order in Cr.M.P.No.1247 of 2024 in R.C.S.No.61 of 2024 dated 08.07.2025 pending on the file of the learned Judicial Magistrate Court cum Additional Mahila Court (FAC), Sivagangai and set aside the same.

For Petitioner	: Mr.G.Karuppasamyandiyan
For Respondent	: Mr.M.Sakthi Kumar, Government Advocate (CrL.)

ORDER

Challenging the order passed by the learned Judicial Magistrate Court cum Additional Mahila Court (FAC), Sivagangai, Cr.M.P.No.1247 of 2024 in R.C.S.No.61 of 2024 dated 08.07.2025, this Criminal Revision Case is filed.



Factual Matrix:-

2.The petitioner is the defacto complainant in Crime No.236 of 2024 registered under Section 174(3) of Cr.P.C., following the death of her daughter Anjali under suspicious circumstances on 19.05.2024. Anjali was serving as a Woman Constable and had been married to one Selvakumar since 2018. Alleging dowry harassment and mental cruelty at the hands of her husband, the petitioner submitted that the deceased was repeatedly harassed for money, forcing her to avail a loan of Rs.3,00,000/- to support her husband's gambling addiction. The police, after investigation, filed a final report stating "further action dropped", and the learned Magistrate, without taking cognizance of the protest petition filed by the petitioner under Cr.M.P.No.1247 of 2024, accepted the final report and closed the proceedings. Aggrieved thereby, the present revision has been preferred.

Submissions:-

3.The learned counsel appearing for the petitioner submitted that six witnesses were examined in support of the protest petition. Witnesses 1 to 4 included the deceased's family members and witnesses 5 and 6 were independent witnesses who were colleagues of the deceased. The evidence on record, particularly the statements of witnesses 5 and 6, clearly pointed to continued emotional abuse and financial exploitation suffered by the deceased at the hands of her husband. It was contended that the learned



CrL.R.C.(MD)No.947 of 2025

Magistrate failed to consider this evidence and summarily accepted the closure report in a mechanical manner without complying with the mandatory procedure under the Code of Criminal Procedure.

4.The learned Government Advocate (Crl.) appearing for the respondent submitted that the case was thoroughly investigated by the Deputy Superintendent of Police and the Revenue Divisional Officer. Both authorities concluded that no offence was made out against the husband or his family members. As a result, a closure report was filed and accepted by the learned Magistrate. It was further argued that the investigation did not reveal any material indicating abetment to suicide or dowry harassment.

Points for Consideration:-

5.Upon hearing the rival submissions and perusing the materials on record, this Court is of the considered view that there is sufficient material, especially in the statements of witnesses 5 and 6, which warranted judicial scrutiny. The evidence indicates that the deceased was repeatedly harassed for money, forced to take loans, and subjected to emotional distress, leading to her untimely and unnatural death.

Role of Trial Courts in Cases of Suspicious Deaths of Married Women:-

6.It must be emphasized that the death of a married woman under



suspicious circumstances, particularly within seven years of marriage, mandates a heightened level of judicial sensitivity and scrutiny. Section 304B IPC (Dowry Death) and Section 306 IPC (Abetment of Suicide) read with Section 113-A of the Indian Evidence Act, 1872, cast a duty upon the Court to examine whether the conduct of the husband or his relatives constituted abetment or cruelty connected with dowry demands.

7.In ***State of Punjab v. Iqbal Singh***¹, the Hon'ble Supreme Court observed that:-

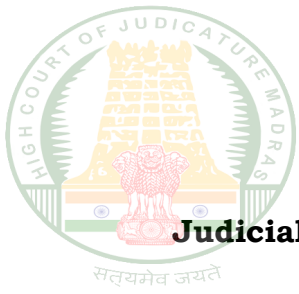
"In a society which is male-dominated, cases of harassment and cruelty against young brides have to be dealt with sternly. The Courts are expected to be vigilant in ensuring that justice is done to victims of dowry-related offences."

8.Likewise, in ***Gurcharan Singh v. State of Punjab***², the Hon'ble Apex Court reiterated that the presumption under Section 113-A of the Evidence Act must be carefully considered when a woman commits suicide within a short span after marriage and has faced harassment.

9.In the present case, the learned Trial Court failed to discharge this solemn judicial duty by summarily closing the matter without properly examining the protest petition and the testimonies brought on record.

1 (1991) 3 SCC 1

2 (2017) 1 SCC 433



Judicial Precedent:-

10.In **K.M. Ramesh v. State**³, this Court has observed as under:-

“The learned Magistrate has chosen to accept the final report without looking into the protest petition at all... The Magistrate ought to have treated the protest petition as a private complaint as contemplated under Section 200 Cr.P.C. and examined the witnesses before passing the order. That procedure has not been followed and therefore, the order is liable to be set aside.”

This principle squarely applies to the present case.

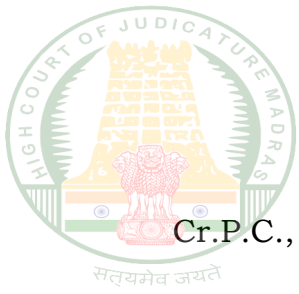
Conclusion:-

11.In view of the above, this Court is of the opinion that the impugned order of the learned Magistrate is legally unsustainable and procedurally defective. The learned Magistrate failed to apply the correct legal standard and did not exercise the discretion judiciously in a matter involving the unnatural death of a married woman.

Disposition:-

12.Accordingly, the Criminal Revision Case is allowed. The impugned order dated 08.07.2025, passed by the learned Judicial Magistrate cum Additional Mahila Court (FAC), Sivagangai, in Cr.M.P.No.1247 of 2024 is set aside. The learned Judicial Magistrate is directed to treat the protest petition filed by the petitioner as a private complaint under Section 200

³ CDJ 2015 MHC 8319



CrL.R.C.(MD)No.947 of 2025

Cr.P.C., examine the complainant and her witnesses on oath, and proceed in accordance with law. This exercise shall be completed within a period of one week from the date of receipt of a copy of this order. No Costs.

29.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

- 1.The Judicial Magistrate Court cum Additional Mahila Court (FAC),
Sivagangai.
- 2.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CrL.R.C.(MD)No.947 of 2025

L.VICTORIA GOWRI, J.

Mrn

CrL.R.C.(MD)No.947 of 2025

29.07.2025