



CRL RC(MD)No.975 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL RC(MD)No.975 of 2023

Thahira Banu

... Petitioner / Accused No.3

Vs.

1.The State of Tamilnadu,
Rep. by the Inspector of Police,
Dindigul Town South Police Station,
Dindigul.

... 1st respondent / Complainant

2.Mumthaj

... 2nd Respondent

*(R-2 is suo-motu impleaded as per the order of this Court dated
01.09.2023 in CrI.M.P.(MD)No.12621 of 2023 in CrI.RC(MD)No.
975 of 2023)*

PRAYER: Criminal Revision Petition is filed under Section 438 r/w 442 of BNSS, to call for the records relating to the order passed in CrI.M.P.No.528 of 2023 in S.C.No.140 of 2022 by the learned Sessions Judge, (Fast Track Mahila Judge), Dindigul, dated 21.08.2023 and set aside the same.

For Petitioner : Mr.D.Venkatesh

For R-1 : Mr.S.Ravi,
Additional Public Prosecutor

For R-2 : Mr.T.Lenin Kumar



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ORDER

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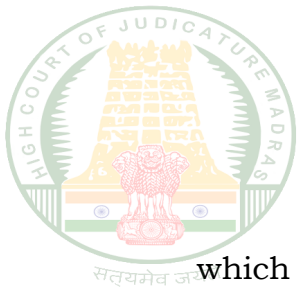
This Criminal Revision Petition is directed against the order dated 21.08.2023 passed by the learned Sessions Judge (Fast Track Mahila Court), Dindigul in Criminal M.P. No. 528 of 2023 in S.C. No. 140 of 2022, whereby the petitioner's discharge petition under Section 227 Cr.P.C. was dismissed.

2. Factual Matrix:

2.1 Crime No. 884 of 2021 was registered under Section 174(3) Cr.P.C. on a complaint by the *de facto* complainant, alleging suspicious circumstances surrounding the suicide by hanging of her daughter, Rubia Parvin, on 08.08.2021.

2.2 After investigation, the police altered the offence to one under Section 306 IPC (abetment of suicide) against three accused, including the petitioner (third accused).

2.3 A final report was filed as P.R.C. No. 2 of 2022 before the Additional Judicial Magistrate (Fast Track Mahila Court), Dindigul,



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which was committed to the Sessions Judge and numbered as S.C. No. 140 of 2022.

2.4 The petitioner moved Criminal M.P. No. 528 of 2023 under Section 227 Cr.P.C. for discharge, asserting that she never resided with the victim or her husband, maintained a separate household, and had no role in instigating the suicide.

2.5 The learned Sessions Judge dismissed the discharge petition, leading to the present criminal revision case.

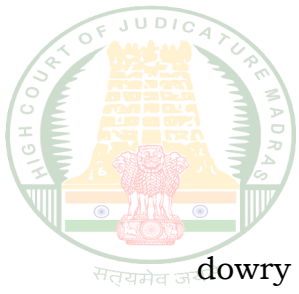
3. Submissions of Counsel:

3.1 Learned counsel for the petitioner contended that:

The petitioner is the victim's sister-in-law and lived separately throughout;

There is no material linking her to any act of instigation or abetment;

The Revenue Divisional Officer (L.W. 13) expressly ruled out any



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dowry harassment, giving all accused a clean chit;

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The *de facto* complainant expressed no objection to the petitioner's discharge.

3.2 Learned Additional Public Prosecutor argued that:

The suicide occurred within seven years of marriage, invoking the statutory presumption under Section 113A Evidence Act;

All three accused jointly harassed the victim over a missing Rs. 500/- note and dowry demand, as narrated in the 161 Cr.P.C. statement;

The presumption must guide even the discharge stage.

4. Issues for Consideration:

4.1 Whether there is *prima facie* material to proceed against the petitioner for abetment of suicide under Section 306 IPC?

4.2 Whether the presumption under Section 113A Evidence Act applies at the threshold of framing charges against a non-marital party?

5. Law:

5.1 Section 227 Cr.P.C. requires discharge where “no sufficient



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ground” exists to proceed. The Court must examine the materials on record and decide if a case against the accused is made out.

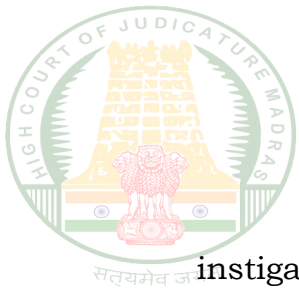
5.2 Section 306 IPC penalizes abetment of suicide; the prosecution must prove instigation or aid with *mens rea* as defined in Section 107 IPC. Mere presence or relationship does not suffice.

5.3 Section 113A Evidence Act provides a presumption of abetment by a husband or relatives where suicide follows within seven years of marriage, but this presumption is rebuttable and confined to those who stand in a marital or familial position liable for dowry-related cruelty.

6. Discussion:

6.1 **On the RDO Report:-** The Revenue Divisional Officer, after independent enquiry, found no evidence of dowry harassment by any accused (including the petitioner), thereby significantly weakening the prosecution’s theory of continuous cruelty.

6.2 **On the Petitioner’s Role:-** The petitioner lived separately, maintained distinct household records, and there is no evidence she



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instigated or aided the suicide. No statement under Section 161 Cr.P.C. attributes any overt act or omission by her in furtherance of the offence.

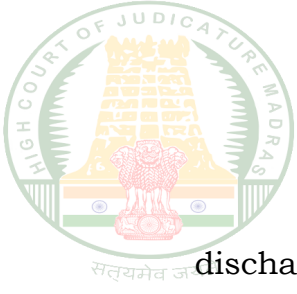
6.3 On the Presumption of Section 113A. The statutory presumption arises only against those in the conjugal home or joint family who have direct control over the victim's life. The petitioner, being a non-cohabiting sister-in-law, falls outside the scope of this presumption. Even if invoked, it is rebuttable and may not survive the independent finding of the RDO.

7. Application of Law to Facts:

Given the absence of any material linking the petitioner to instigation, the clean chit by the RDO, and the petitioner's separate residence, there is no *prima facie* case against her under Section 306 IPC. The presumption of Section 113A does not extend to her, and in any event stands rebutted by documentary and oral evidence.

8. Conclusion:

8.1 The impugned order dated 21.08.2023 dismissing the



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discharge petition is set aside and this criminal revision case is allowed.

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8.2 The petitioner (third accused) is discharged from S.C. No. 140 of 2022. No costs.

30.06.2025

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

To

- 1.The Sessions Judge,
(Fast Track Mahila Judge),
Dindigul.
- 2.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.,

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