

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 04.06.2025

PRONOUNCED ON : 15.07.2025

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.A.(MD)No.7 of 2017

1.Kalaiselvi
2.Deepa Priya

... Appellants/A1 & A2

vs.

State Represented by,
The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur, Thanjavur District.
(Crime No.9 of 2015)

...Respondent

PRAYER : This Criminal Appeal has been filed under Section 374(2) of Criminal Procedure Code praying to call for the records in S.C.No.368 of 2015 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, Thanjavur District, dated 26.12.2016 and acquit the appellants of the charges levelled against them.

For Appellants : Mr.K.Prabhu

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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This appeal has been filed challenging the Judgement of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur District dated 26.12.2016 in S.C.No.368 of 2015.

2.1. The case of the prosecution is that A1 is the mother-in-law and A2 is the sister-in-law of the deceased Mahalakshmi. The husband of the deceased / son of A1, by name, Dhakshinamoorthy has been working in Singapore. The deceased had been living along with her son and A1. While so, A1 and A2 tortured the deceased continuously and on 06.01.2015, the deceased had committed suicide without being able to withstand the torturous attitude of A1 and A2.

2.2. Based on the above allegations, charges have been framed against the accused for the offences punishable under Section 306 IPC r/w Section 4(1)(B) of the Tamil Nadu Prohibition of Harassment of Woman Act, 1998 by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur District in S.C.No. 368 of 2015. When the accused were questioned, they denied the charges and inclined to be tried.



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2.3. Before the Sessions Court, on the side of the prosecution, PW1 to PW13 have been examined and Exs.P1 to P11 have been marked. One saree has been marked as M.O1. On the side of the accused, no oral or documentary evidence.

2.4. After the conclusion of trial, the learned Sessions Judge found both the accused guilty for the offence punishable under Section 306 IPC and convicted and sentenced them to undergo 10 years Rigorous Imprisonment each along with a fine of Rs.5,000/- each, in default, to undergo, 6 months simple imprisonment each. Aggrieved over the same, the appellants have preferred this appeal.

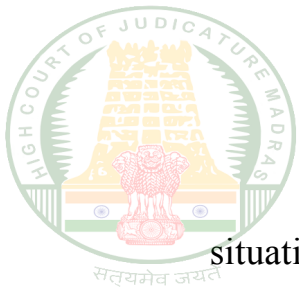
3. Mr.K.Prabhu, learned counsel appearing for the appellants submitted that the evidence available on record do not establish that A1 and A2 induced the deceased to commit suicide at any point of time. The deceased had been living along with her son and A1. At no point of time, there was a complaint filed by the deceased alleging that she was subjected to matrimonial cruelty. It is further submitted that the son of the deceased (PW2) has been tutored to give exaggerated statements. Even though the learned Sessions Judge has observed that there are



contradictions in the evidence of PW2, he has relied on the evidence of PW2 to convict the accused.

4. Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor submitted that that the son of the deceased, who has been examined as PW2 has clearly stated about the ill-treatment meted out to the deceased by the accused and his evidence has been rightly appreciated by the trial Court by giving due credence. PW6, who is a relative of the deceased has seen external injuries on the body of the deceased. The Inquest Report marked as Ex.P7 also corroborates the oral evidence on the side of the prosecution witnesses.

5.1. Originally, the mother of the deceased (PW1) has lodged a complaint stating that the deceased Mahalakshmi is her daughter, the husband of the deceased, namely, Dhakshinamoorthy has been working in Singapore and the deceased had been living with her mother-in-law (A1) and 9 year old son. It is stated that the deceased had been continuously harassed and tortured by the accused and on knowing this, PW1, PW1's sisters' sons Viswanathan and Muralikrishnan and other relatives frequently visited the deceased, convinced her and eased the



situation. While so, on 05.01.2015, at about 01.30 p.m., the deceased called PW1 and told that A1 at the instigation of A2 had decided not to let her into the house as she had gone to School to pursue her job as a Teacher. The deceased had cried and requested PW1 to come home and help to see peace prevails at home. PW1 also assured that she will come and the deceased need not fret.

5.2. While so, on 06.01.2015, at about 05.00 a.m., the son of deceased called PW1 and informed that Mahalakshmi had died by hanging. Thereafter, PW1 informed her relatives, came to the house of the deceased and found the body of the deceased lying on the floor. PW1 has stated that her daughter did not have the courage to commit suicide and that the accused might have murdered her and pretended that she committed suicide by hanging.

5.3. Based on the above allegations, First Information Report has been registered as '**suspicious death**' under Section 174 of Cr.P.C. Subsequent to the registration of FIR, statements from the complainant and other witnesses were recorded. In the instant case, PW2 alone can be considered as an eye witness and the statements of other witnesses would

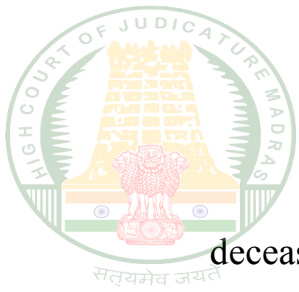


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only have the assumption that the accused could have abetted the deceased to commit suicide.

6.1. The Investigation Officer (PW12) has conducted inquest in the presence of Panchayathars, by names, Balachandran, Rajendran, Gunasekaran, Muralikrishnan and Sivakumar and filed an Inquest Report, Ex.P7. Muralikrishnan, one of the Panchayathars / cousin of the deceased has been examined as PW4. The Inquest Report concludes that the deceased and her husband had been living at Pondicherry for two years and at Chennai for four years. Thereafter, they lived along with A1 at Thanjavur. During that time, A1 treated the deceased with hatred. A2 also joined with A1 whenever she visited her mother's place. A2 abused the deceased if she refused to sing and dance. Since her husband did not resolve her problems, the deceased informed her family. PW1's cousins Viswanathan (PW3) and Muralikrishnan (PW4) compromised her and advised her to adjust with her husband's family.

6.2. On 02.01.2015, A2 came to the house of A1 and at that time, quarrel arose between A2 and the deceased and on 04.01.2015, A2 had pushed the deceased out of the house. On 05.01.2015 afternoon, the



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deceased contacted PW1, told her travails and asked her to come and ease the situation. On 06.01.2015, at about 05.00 a.m., the deceased committed suicide by hanging.

7. Except PW4, no other Panchayatar has been examined as a witness on the side of the prosecution. PW4 has stated in his evidence that, two years before the occurrence, the husband of the deceased went to Singapore and the deceased had been living with her son (PW2) and A1, who is her mother-in-law. He has further stated that PW2 informed him that on the previous night of the occurrence, quarrel arose between the deceased, A1 and A2, due to which, A1 had beaten up the deceased with wooden log, pushed her down and pressed the wooden log on the neck of the deceased. Next day morning, PW2 was alerted by A1 to convey to his maternal grandmother and his uncles that the deceased had committed suicide.

8. Investigation Officer (PW12) has deposed that A2 had gone back to her maternal home at Pudhukottai on 04.01.2015. The deceased has spoken to her mother on 05.01.2015. On 05.01.2015, A2 was not present at the house of the deceased. So whatever told by PW2 about the



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involvement of A2 in a quarrel alleged to have occurred on 05.01.2015 cannot be true. It is for the very reason that A2 was not present in the house of A1 on 05.01.2015. So the evidence of the child witness PW2 has got exaggerations and it has been rightly observed by the Trial Judge also.

9. Even when the deceased had called PW1 on 05.01.2015, she had told that she was afraid of A1 that she would quarrel. She has not stated that A1 had asked her to die or instigated her to commit suicide. PW1's version on this aspect is contradictory to her statement given before the Investigation Officer. Even PW4 has stated in her evidence that, on 02.01.2015, A2 had asked the deceased to dance and sing. This is also different from his statement given to the Investigation Officer. PW5, who is the brother of PW1 and he has deposed that before two years, the deceased told him that A2 was compelling her to sing and dance. PW4 has stated in his evidence that on 02.01.2015, the deceased called him and told that A2 compelled her to sing and dance. The statement of the witnesses about the involvement of A2 in harassing the deceased is contrary and hence unreliable.



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10. It could be true that A2 had asked the deceased to sing and dance at some point of time, but that does not appear to be the reason for instigating the deceased to commit suicide. When A2 was not present in the place of occurrence on the previous night, her involvement in the offence can be too remote and impractical, especially when there is nothing to prove any direct or indirect act of incitement made by A2 to prompt the deceased to commit suicide. There is no positive act committed by A2 proximate to the time of occurrence in order to enable her to compel the deceased to commit suicide. When nothing is available on record to show that she had done certain acts either to abet the commission of suicide or to facilitate anything for the deceased to commit suicide, A2 cannot be found guilty for the offence of **'abetment of suicide.'**

11. PW1 has stated in her cross examination that when the deceased called her on 05.01.2025, she was unwilling to go to the house as she was afraid of A1. The deceased was working as a Teacher in the School and the same was disliked by A1. A1 had insisted the deceased not to go to School and if she dared to go, she would never let her to come back into the house. PW1 convinced the deceased to be bold and



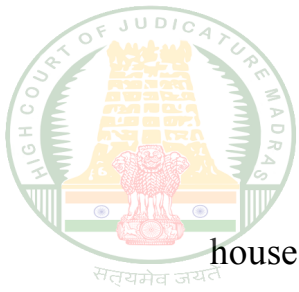
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assured her that she would come to her house the next day along with her brothers to speak to A1.

12. The consolidated and acceptable evidence of PW1 to the Investigation Officer and First Information Report is that the deceased had trouble facing her mother-in-law (A1) as her mother-in-law was not fond of her desire to go and work as a Teacher at School.

13. Even though PW1 has stated that there were frequent quarrels between the deceased and in-laws and that she visited and resolved the issues by talking to them, she had stated in her cross examination that after marriage, she had been to the matrimonial house of her daughter only twice. In fact, the deceased was also not in the habit of visiting her mother frequently and it is revealed from the evidence of PW1 that, before the occurrence, the deceased visited her mother's house during summer vacation - 2014 only. However, the deceased had been in touch with her mother through phone conversations.

14. The son of the deceased (PW2) had been frequently visiting PW1's house. Lastly, during half yearly holidays, he went to PW1's



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house. While so, on 03.01.2015, the deceased called PW1 and asked to bring back her son on 04.01.2015 as A2 had come with her children to A1's house. As such, when he came back from PW1's house, A2 and her children were not present in the house. On the previous night of occurrence, it is possible for the deceased to have some quarrel with A1 and commit suicide on the day of occurrence out of frustration. The deceased could have waited till the next day for her mother to come. However, she had taken a harsh and hasty decision of taking away her life without having a Will to face the problem. Had she been alive, it would have been possible for PW1 to go to the house of the deceased and speak with A1 about her desire to go to work.

15. It was not the evidence of any of the witnesses that A1 was in the habit of pushing the deceased to commit suicide by doing any direct or indirect actions. In order to prove that a person had abetted someone to commit suicide, it should be proved by the prosecution that the person had committed some of the acts as stated under Section 107 of IPC. Section 107 IPC would enumerate what kind of acts can be said as abetment. For the sake of clarity, Section 107 IPC is extracted as under:



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"A person abets the doing of a thing, who—

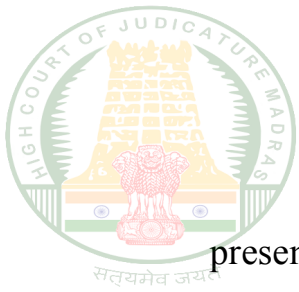
First.—Instigates any person to do that thing; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing."

16. In various Judgements of the Apex Court, it has been held that in order to hold the accused guilty for an offence under Section 306 IPC, even on the allegation of cruelty and harassment meted out to the victim, the Court should scrutinize the evidence carefully in order to find out whether the deceased was left with no other choice except to commit suicide. Without any positive act proximate to the time of occurrence on the part of the accused to show that it led or compelled the person to commit suicide, the accused cannot be found to be guilty merely on the allegation of harassment.

17. Abetment involves mental process of instigating a person or intentionally aiding that person in doing a thing. So, an active role which can be defined as instigation or aiding to do a thing is required to be



present in order to hold that the accused had abetted the commission of suicide. The cousin brothers of the deceased have stated that whenever the deceased reported any problem, they used to go and resolve and convince / advise the deceased.

18. It is the usual pattern in which the families of women approach the issues in the matrimonial home. Instead of taking any concrete and bold decision, to save the life of women suffering at matrimonial homes either due to incompatibility or mental torture, the natal family of the women persuade or convince the women to continue to put up with the inappropriate treatment. Unless a woman is self-reliant in economical aspect, it will not be easier for her to come out of her matrimonial home. Some women would have the courage to take strong decision to dissolve her marriage and come out of the unhealthy toxic family relationship and establish a life of their own.

19. However, many women get trapped in the societal norms and pressures and try to withstand the adverse situation either by themselves or with the support of their natal family. Even when the support is given by members of the natal families, women at the receiving end cannot be



expected to be peaceful and they can have mood fluctuations which may sometimes compel them to think about untowardness like committing suicide.

20. There are weak moments during which such women need support and in the absence of the same, they lose their confidence and embrace premature death by committing suicide. Families used to doubt and fret after the women commits suicide instead of taking a strong and practical decision and encourage her to live on her own by providing the required support.

21. The present case appears to be one such instance where a woman who wanted to work and stand on her own by going to School did not get support from her mother-in-law. However, it is always at the option of the deceased to take action without toiling and forcing herself to dance to the tunes of her mother-in-law. Each and every one can have different perception about someone's choices in life and women cannot expect everyone to align with their idea, opinion or choices.

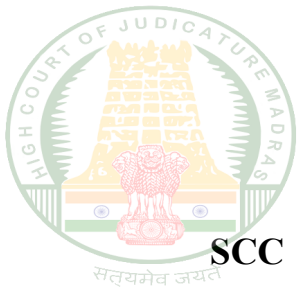


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22. The deceased could have analyzed and resolved the issues by being strong, by getting support from her mother, brothers and other members of the Society whom she could trust. Many women have to do so much to reach that level of comfort and they are lost on the way and perish by committing suicide, in a short sighted manner.

23. In the instant case, just because the mother-in-law did not like the deceased opting to go for work, the deceased need not have committed suicide, but could have thought about the other avenues or scope to resolve the issue. The evidence on record does not show that any one had compelled the deceased to commit suicide or instigated her by doing direct or indirect acts or aided her to commit suicide. The learned Trial Judge without appreciating the evidence in a holistic manner seems to have been influenced by the discomfort / harassment caused to the deceased and arrived at the conclusion that A1 and A2 had committed the offence of abetment of suicide punishable under Section 306 of IPC.

24. In the recent Judgement of the Apex Court in **Ayyub and others vs. State of Uttar Pradesh and another reported in (2025) 3**



SCC 334, it is held that even mere words like '**go and die**' are not sufficient to prove that the person abetted suicide by the use of those words alone. In the said Judgement, the Apex Court had made reference about various Judgements where the position of law of abetment has been settled that intention to aid or abet the deceased to commit suicide is an essential ingredient to attract Section 306 IPC. It is appropriate to extract the relevant paragraphs as hereunder.

"20. By a long line of judgments, this Court has reiterated that in order to make out an offence under Section 306 IPC, specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It has been further held that the intention of the accused to aid or instigate or to abet the deceased to commit suicide is a must for attracting Section 306 IPC [See Madan Mohan Singh vs. State of Gujarat and Another, (2010) 8 SCC 628]. Further, the alleged harassment meted out should have left the victim with no other alternative but to put an end to her life and that in cases of abetment of suicide there must be proof of direct or indirect acts of incitement to commit suicide [See Amalendu Pal alias Jhantu vs. State of West Bengal, (2010) 1 SCC 707 and M. Mohan vs. State, (2011) 3 SCC 626 and Ramesh Kumar vs. State of Chhattisgarh, (2001) 9 SCC 618].

21. These principles have been reiterated recently by this Court in Mahendra Awase vs. The State of Madhya Pradesh, 2025 INSC 76.



22. *We find none of the ingredients required in law to make out a case under Section 306 IPC to be even remotely mentioned in the charge-sheet or are being borne out from the material on record. The utterance attributed to the appellants assuming it to be true cannot be said to be of such a nature as to leave the deceased Tanu with no other alternative but to put an end to her life."*

25. In the instant case, there is not even a previous complaint given by either deceased or her mother PW1 stating that the deceased was subjected to harassment or torture by the accused or the husband of the deceased. In fact, PW1 herself had stated that she had been to her daughter's matrimonial house only twice after her marriage. The consolidated evidence of PW1 only shows that the deceased might have faced some problem at the matrimonial home, but, however, she has not chosen to resolve the issue in a positive manner or she did not get the required support for the same. These circumstances alone are not sufficient to hold A1 and A2 are guilty for the offence of '**abetment of suicide**' by the deceased.

26. In view of the above observations, the Criminal Appeal is allowed. The Judgement of the learned Sessions Judge, Mahalir



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Neethimandram (Fast Track Mahila Court), Thanjavur District dated 26.12.2016 in S.C.No.368 of 2015 is set aside. The appellants / A1 and A2 are acquitted from all the charges levelled against them. The fine amount, if any, paid by them, shall be refunded to them. Bail bond, if any, executed by the appellants shall stand cancelled.

15.07.2025

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To

- 1.The Sessions Judge,
Mahalir Neethimandram
(Fast Track Mahila Court),
Thanjavur District.
- 2.The Inspector of Police,
Thanjavur Town West Police Station,
Thanjavur, Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.N.MANJULA, J.

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Pre-Deliver Judgement in
Crl.A.(MD)No.7 of 2017

15.07.2025