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Crl.O.P.(MD)No.20488 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20488 of 2024

1.Gayathri
2.Kanka @ Amirthavalli
3.Panjavarnam
4.Govinthammal
5.Rasu @ Subburaj

... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(Crime No.20 / 2016)

2.Pootchammal

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the charge sheet relating to S.C.No.51 of 2023, on the file of the Fast Track Mahila Court, Ramanathapuram and quash the same as against the petitioners.

For Petitioners : Mr.S.Sivakumar

For R1 : Mr.K.Sanjai Gandhi
Government Advocate
(Criminal Side)



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For R2

: Ms.M.Sakundaladevi

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ORDER

The Criminal Original Petition has been filed invoking Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023, seeking orders to quash the proceedings in S.C.No.51 of 2023, on the file of the Fast Track Mahila Court, Ramanathapuram.

2. The case against the petitioners revolves around the death of the de-facto complainant's daughter Divya, who was married to one Thirumoorthy. Despite being married, Divya was reportedly in a close and friendly relationship with A5 and was living with her grandmother.

2.1. The first petitioner (A1) is A5's sister, the second petitioner (A2) is A1's sister-in-law, the third petitioner (A3) is A1 and A5's mother, and the fourth petitioner (A4) is A5's mother-in-law. The fifth petitioner (A5) is the person with whom the deceased allegedly had a close relationship.

2.2. On 06.02.2016, at around 08:30 a.m., A1 to A4 went to the deceased's house. They questioned her about her relationship with A5,



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verbally abused her, and physically assaulted her, dragging her out into public view. During this altercation, the deceased's maternal aunt, along with two other villagers, intervened and separated them. Following the confrontation, the deceased was taken to her aunt's house for a while, but later, she returned to her home. When the aunt had gone to take a bath and the deceased's grandmother had gone to the field to collect vegetables, the deceased committed suicide by hanging herself. Later, after returning home, the deceased's grandmother found the door locked and asked a neighbouring girl to search for the key. The neighbouring girl looking through the keyhole, noticed that the deceased was hanging. Thereafter, the neighbours broke open the door, brought the deceased down, and took her to the hospital. The incident was reported to the mother of the deceased (the de-facto complainant), who arrived at the hospital and subsequently, lodged a complaint.

2.3. Initially, the case was registered under Section 174 of the Criminal Procedure Code (Cr.P.C.) for an enquiry into the death. The Revenue Divisional Officer (L.W.12) conducted an inquest and concluded that the death was not caused by any dowry-related demands. Thereafter, the Investigating Officer conducted a thorough investigation,



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examining 21 witnesses, and ultimately filed a charge sheet against the petitioners.

3. The contention of the learned counsel for the petitioners is that the deceased, Divya, was married to her maternal uncle, Thirumoorthy [L.W.9]. Despite being married for approximately two and a half years, the couple had no children. Divya had been residing with her maternal grandmother in Vairavanenthall Village, while her husband worked in a private company in Salem. The parents of the deceased lived in a different village.

3.1. The learned counsel for the petitioners further submits that the de-facto complainant (Divya's mother), in her statement before the Revenue Divisional Officer, has stated that her daughter had informed her that she was receiving harassing phone calls from an unknown number, which was causing disturbance. The de-facto complainant further stated that these calls led to a disturbed state of mind for Divya. After collecting Divya's phone, she handed it over to the Police but confirmed that she did not know the reason for her daughter's death.



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3.2. The learned counsel for the petitioners further submits that the brother of the deceased, L.W.8, also confirmed that Divya had been disturbed by the phone calls and added that his aunt, Panjavarnam, had informed him about a quarrel between the petitioners (A1 to A4) and Divya regarding her relationship with A5. Panjavarnam (L.W.2), who was present at the scene of occurrence, stated that A1 to A4 confronted Divya on 06.02.2016, questioning her about the relationship with A5. After the confrontation, she intervened and left the place, and later, came to know that the deceased had committed suicide by hanging. Divya's grandmother (L.W.3) stated that she had gone to the field, and upon her return, she was informed about the suicide of her granddaughter Divya.

3.3. The learned counsel for the petitioners further contends that the confrontation regarding the illicit relationship was not intended to harm Divya. The learned counsel contends that addressing personal matters within the family should not be considered a reason for her death. The learned counsel submits that the questioning of the illicit relationship, although distressing, cannot be seen as the cause of her death, especially since the cause of death appears to be suicide.



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3.4. The learned counsel for the petitioners also submits that the second respondent / de-facto complainant, after conducting enquiry, has realized that the death of her daughter was not caused by the actions of the petitioners. Consequently, she has come forward to resolve the matter amicably and has filed a compounding affidavit, indicating her intention to withdraw the allegations and reach a compromise in the case.

4. The learned Government Advocate (Criminal side) submits that in this case, the second respondent / de-facto complainant, who is the mother of the deceased, initially lodged a complaint, leading to the registration of a case under Section 174 of the Criminal Procedure Code. Subsequently, an enquiry was conducted by L.W.12, who examined the deceased's parents, mother-in-law, sister-in-law, and husband. The enquiry revealed that the death was not related to any dowry demand. Thereafter, the Investigating Officer took up the case, examined witnesses, and collected further evidence. It was revealed that the deceased had been questioned by the petitioners 1 to 4 (A1 to A4) about her ongoing illicit relationship with A5, which had caused some



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objections from the petitioners. At the intervention of her aunt and others, the petitioners left the place. However, sometime later, the deceased died by committing suicide. After examining witnesses, recording their statements, collecting materials and listing L.W.1 to L.W.21, the Investigating Officer filed a charge sheet against A1 to A5.

5. The case is now at the trial stage. By passage of time, the parties reconciled and decided to bury their hatchet and compromised the dispute amicably among themselves.

6. The second respondent / de-facto complainant filed an affidavit stating that immediately after her daughter's death, she was in an agitated state and lodged a complaint, attributing the cause of her daughter's death to the petitioners. However, after further enquiry and reflection, it has been realized that the petitioners (A1 to A4) had merely questioned the illicit relationship between the deceased and A5. Both the deceased and A5 were married individuals, and their illicit relationship had caused strain within the families of both the deceased and the accused. Understanding the circumstances, the second respondent / de-facto



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complainant has now come forward to seek a compromise. She affirms that this decision to reconcile is made of her own volition, without any force or compulsion.

7. A Joint Memo of Compromise and an affidavit of the second respondent, dated 23.11.2024, have been filed before this Court, which have been signed by the petitioners and the second respondent and also by their respective counsels. The petitioners and the second respondent were also present in person before this Court and they were identified by Mr.K.Chandran, Special Sub-Inspector of Police, Chatrakudi Police Station, Ramanathapuram District, as well as by the learned counsels appearing for the parties. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

8. Considering the above submissions, it is evident that the deceased, Divya, was married to her maternal uncle Thirumoorthy on 22.05.2013. The said Thirumoorthy, who was examined as L.W.9, has stated that he was employed abroad during their marriage and later worked in Salem in a courier company for the past six months. He stated



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that he had spoken to his wife the day before her death and that she had not raised any complaints. In fact, he was informed of her death a day later. The mother of the deceased resides in a different Village, and it was the sister of L.W.1, who informed the family of Divya's death and later, she went to the hospital. The aunt of the deceased (Panjavarnam), who was examined as L.W.2, stated that on 06.02.2016, the petitioners (A1 to A4) questioned the deceased about her illicit relationship with A5, which led to some disturbance within the family. The fact that the deceased had an illicit relationship with A5 is not seriously disputed. The act of questioning the illicit relationship cannot be considered an act of abetment, as it was natural to object to such relationship in a family.

9. Furthermore, the second respondent / de-facto complainant, the mother of the deceased, has filed a compromise affidavit, indicating her change in perspective after further consideration of the events surrounding her daughter's death.

10. Further, the legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another*



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reported in *(2012) 10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai vs. State of Gujarat* reported in *(2017) 9 SCC 641* were taken into consideration.

11. In view of the above, no useful purpose will be served in keeping the proceedings in S.C.No.51 of 2023 as against the petitioners pending before the Fast Track Mahila Court, Ramanathapuram, even though, the offences involved are not compoundable in nature.

12. Accordingly, this Criminal Original Petition is allowed and the proceedings in S.C.No.51 of 2023, on the file of the Fast Track Mahila Court, Ramanathapuram, is quashed as against the petitioners and the joint compromise memo and the affidavit of the second respondent, dated 23.11.2024, shall form part and parcel of this order.

03.01.2025

NCC : Yes / No
Index : Yes / No
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To
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- 1.The Judge,
Fast Track Mahila Court,
Ramanathapuram.
- 2.The Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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Order made in
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