



Crl.O.P.(MD)No.21073 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21073 of 2024

1.P.Sarasu
2.P.Malaisamy
3.P.Poornavalli

... Petitioners

Vs.

1.The State of Tamil Nadu, Rep. by,
The Inspector of Police,
Sipcot Police Station,
Sivagangai District.
(Crime No.68 of 2022)

2.A.Ramu

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records pertaining to the impugned charge sheet in P.R.C.No.35 of 2024, on the file of the Judicial Magistrate Court, Manamadurai, and quash the same.

For Petitioners : Mr.C.Gangai Amaran

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



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For R2

: Mr.A.Sheik Mujibur Rahuman

ORDER

The petitioners, A1 to A3, who are facing trial in P.R.C.No.35 of 2024 before the Judicial Magistrate Court, Manamadurai, for the offences under Sections 498-A and 306 of the I.P.C., have filed the present quash application.

2. The case against the petitioners is that the de-facto complainant's second daughter, Geethanjali, and the second petitioner, P.Malaisamy, S/o.Pitchai, were in love with each other and married in 2007. The marriage resulted in two children, namely, Ragul and Raghavi. After the marriage, Geethanjali resided with her husband and in-laws, namely, the petitioners (A1 to A3). Malaisamy, Geethanjali's husband, was employed in the Middle East and used to visit once a year, staying with his wife and children before returning to his employment in Dubai.

2.1. The first and third petitioners, the mother-in-law and sister-in-law of Geethanjali, subjected her to cruelty, demanding more dowry. They often abused her, claiming that, since she had a love marriage with



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Malaisamy, the usual Stridhana and dowry articles were not collected from the bride, and she had come without any dowry. Geethanjali was frequently abused for staying there and enjoying comforts provided by her husband. Whenever Geethanjali complained to her father, the second respondent / de-facto complainant, he would intervene and resolve the issue temporarily.

2.2. On 25.08.2022, at about 08:00 p.m., the de-facto complainant and his wife, Irulayee, went to meet their daughter. At that time, Geethanjali was cooking using a gas stove. The first petitioner questioned her using the gas stove, abused her, and poured kerosene on her. Geethanjali, already frustrated from the abuse and suffering, set herself on fire. She was taken to the Government Hospital in Sivagangai and later referred to the Government Rajaji Hospital in Madurai. Unfortunately, she passed away on 30.08.2022.

2.3. On the complaint of Geethanjali's father, a case was initially registered under Sections 498-A and 309 of the I.P.C. on 26.08.2022. The case was later altered to Sections 498-A and 306 of the I.P.C., listing



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L.W.1 to L.W.23 as witnesses. After collecting evidence, a charge sheet was filed before the Judicial Magistrate Court, Manamadurai. The case is now pending committal in P.R.C.No.35 of 2024.

3. The contention of the learned counsel for the petitioners is that the second petitioner and the de-facto complainant's daughter, Geethanjali, were in love with each other and married in 2007. Initially, there was some resistance, but after the marriage, they lived happily together. From the date of their marriage, the second petitioner and his wife, Geethanjali, lived as husband and wife along with the other petitioners. The marriage was accepted, and there were no major differences between them. The second petitioner was employed in Dubai and would visit his wife and children once a year. The couple had two children, a son and a daughter. The victim did not report any harassment by her in-laws during the absence of her husband (the second petitioner). It is claimed that the victim committed suicide for reasons unrelated to her marriage. The victim herself admitted to setting herself on fire, and now, after her death, the case is being portrayed as though there was a demand for dowry and abetment of suicide.



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4. The learned counsel submits that from the statement of the victim, it appears that there was a quarrel between the first petitioner and the victim. This was a domestic quarrel, which is common in families. In response to a threat, the victim took a matchbox, but accidentally, the fire engulfed her. The petitioners immediately took the victim to the hospital in an attempt to save her and remained there to assist with her treatment. The de-facto complainant lives nearby, and it is impossible that there were constant demands for dowry, especially after 13 years of marriage. In the case of a love marriage, there is no question of dowry demands. The victim, for reasons of her own, set herself on fire, and this tragic accident led to her death, for which the petitioners have been falsely implicated. In fact, at the time of the incident, the second petitioner was in Dubai, and the third petitioner was with her family. The second petitioner submits that after the death of his wife, Geethanjali, their children, Ragul and Raghavi, are now staying with their paternal grandparents, along with the second petitioner. The second petitioner is taking care of their education and well-being. After Geethanjali's death, the second petitioner left his job in Dubai and is now residing with the children.



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5. The learned counsel further submitted that the statements given by the victim's family members are exaggerated. Initially, the de-facto complainant made no allegations against the petitioners. However, in subsequent statements, accusations were made, suggesting that the petitioners were the cause and reason for the victim's suicide. Furthermore, the statements were amplified to show that the victim's sister had recorded the victim's statement on her mobile phone, which was then produced as evidence, which is an exaggerated version of the events. The de-facto complainant and the family members, having realized their impulsive mistake against the petitioners, have now realized the mistake and filed an affidavit requesting that the proceedings against the petitioners be dropped. Therefore, the learned counsel prayed for the quashing of the charge sheet.

6. The learned Government Advocate (Criminal Side) submitted that the de-facto complainant, who is the father of the victim Geethanjali, lodged a complaint on 26.08.2022, based on which a case was registered in Crime No.68 of 2022 for the offences under Sections 498-A and 309 of the I.P.C. Later, after the death of the victim on 30.08.2022, the case was altered to Sections 498-A and 306 of the I.P.C.



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7. The learned Government Advocate (Criminal side) further submits that in this case, the victim's father and mother have been examined as L.W.1 and L.W.2. L.W.3 is the daughter of the victim and the second petitioner. L.W.4 and L.W.5 are nearby residents and relatives and L.W.6 is the victim's sister. L.W.7 to L.W.10 are relatives who clearly testify about the continuous demand for dowry. The other witnesses are formal and official witnesses. The postmortem doctor, L.W.17, confirms that the cause of death was due to burn injuries.

8. The learned Government Advocate (Criminal Side) further submits that the de-facto complainant has now filed an affidavit stating that he is no longer interested in pursuing the case. It has also been verified and confirmed that the children of the deceased, Ragul and Raghavi, are residing with the petitioners. They are attending school and living happily. Furthermore, the children now visit their maternal grandparents' house, and there is cordiality between both families.

9. This Court, considering the submissions, interacted with the de-facto complainant, who confirmed that his grandchildren are residing



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with the petitioners. The second petitioner, as their father, is taking care of the children's education and welfare. The children regularly visit the de-facto complainant, their maternal grandparents, and other relatives, and they are happy.

10. Furthermore, it was revealed during the interaction that the second petitioner had deposited a sum of Rs.5,00,000/- each in fixed deposits in the children's names, and the deposit receipts were also produced. The de-facto complainant confirmed that, due to the sudden death of his daughter, he was in a state of shock and agitated at that time, which led him to file the complaint. Upon further enquiry, it was found that the petitioners were not the reason of his daughter's actions. Considering the welfare of the children and realizing that the petitioners were not responsible for his daughter's death, the de-facto complainant has decided not to pursue the case further.

11. In this case, the presence of L.W.1 to L.W.5 is highly doubtful. It is seen that L.W.6, the sister of the victim, claims to have recorded the victim's statement on her mobile phone, which was subsequently



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converted into a CD at the studio of L.W.11. However, this conversion is not supported by a certificate under Section 65-B of the Indian Evidence Act, making it inadmissible in evidence. Furthermore, the authenticity of this evidence remains doubtful. The other witnesses have stated that they only heard about the incident and arrived later.

12. The undisputed fact is that the minor children are now staying with the petitioners, who are taking care of their education and well-being. The issue between both families has been resolved, and the children are now visiting both grandparents regularly. The doctor's testimony confirms that the cause of death was complications from burn injuries. Further, the actions of the petitioners were not the immediate cause of the victim's death. As the issue has now been resolved and the children now being cared for by both the petitioners and the de-facto complainant's family, the de-facto complainant is no longer interested in pursuing the complaint.

13. 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.

14. In the light of the guidelines issued in the above said Judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in P.R.C.No.35 of 2024, pending before the Judicial Magistrate Court, Manamadurai, even though, the offences involved are not compoundable in nature.

15. Accordingly, this Criminal Original Petition stands allowed and as a sequel, the proceedings pending against the petitioners in P.R.C.No.35 of 2024, on the file of the Judicial Magistrate Court, Manamadurai, is quashed and the terms of joint compromise memo and the affidavit of the second respondent, shall form part and parcel of this order.

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NCC : Yes / No
Index : Yes / No
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To
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- 1.The Judicial Magistrate,
Manamadurai.
- 2.The Inspector of Police,
Sipcot Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

rmk / smn2

Order made in
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